

STATE OF OKLAHOMA

2nd Session of the 53rd Legislature (2012)

SENATE BILL 1733

By: Sykes

AS INTRODUCED

An Act relating to firearms; amending 21 O.S. 2011, Sections 1272, 1272.1, 1272.2, 1273, 1276, 1277, 1278, 1280.1, 1283 and 1287, which relate to the carrying, use and possession of firearms; providing exception to prohibited acts for certain state court justices and judges; modifying description of handgun licenses; clarifying manner in which firearms may be carried by handgun licensees; deleting certain statutory references; amending 21 O.S. 2011, Sections 1289.7, 1289.9, 1289.10, 1289.11, 1289.12, 1289.13, 1289.13A, 1289.16 and 1289.23, which relate to the Oklahoma Firearms Act of 1971; modifying description of handgun licenses; clarifying manner in which firearms may be carried by handgun licensees; deleting certain statutory references; amending 21 O.S. 2011, Sections 1290.2, 1290.3, 1290.4, 1290.5, 1290.6, 1290.7, 1290.8, 1290.9, 1290.11, 1290.12, 1290.13, 1290.14, 1290.15, 1290.17, 1290.18, 1290.19, 1290.20, 1290.21, 1290.23, 1290.24, 1290.25 and 1290.26, which relate to the Oklahoma Self-Defense Act; modifying and deleting certain statutory references; defining term; modifying certain definition; modifying description of handgun licenses; clarifying manner in which firearms may be carried by handgun licensees; amending 21 O.S. 2011, Section 1364, which relates to discharging firearms; modifying description of handgun license; deleting certain statutory reference; amending 63 O.S. 2011, Section 2-110, which relates to the Uniform Controlled Dangerous Substances Act; modifying manner in which weapons may be carried by attorneys of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control; amending 63 O.S. 2011, Section 4210.3, which relates to the Oklahoma Boating Safety

1 Regulation Act; modifying scope of certain prohibited
2 act; and providing an effective date.

3
4 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

5 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1272, is
6 amended to read as follows:

7 Section 1272.

8 UNLAWFUL CARRY

9 A. It shall be unlawful for any person to carry upon or about
10 his or her person, or in a purse or other container belonging to the
11 person, any pistol, revolver, shotgun or rifle whether loaded or
12 unloaded or any dagger, bowie knife, dirk knife, switchblade knife,
13 spring-type knife, sword cane, knife having a blade which opens
14 automatically by hand pressure applied to a button, spring, or other
15 device in the handle of the knife, blackjack, loaded cane, billy,
16 hand chain, metal knuckles, or any other offensive weapon, whether
17 such weapon be concealed or unconcealed, except this section shall
18 not prohibit:

19 1. The proper use of guns and knives for hunting, fishing,
20 educational or recreational purposes;

21 2. The carrying or use of weapons in a manner otherwise
22 permitted by statute or authorized by the Oklahoma Self-Defense Act;

23 3. The carrying, possession and use of any weapon by a peace
24 officer or other person authorized by law to carry a weapon in the

1 performance of official duties and in compliance with the rules of
2 the employing agency;

3 4. The carrying or use of weapons in a courthouse by a district
4 judge, associate district judge or special district judge within
5 this state, who is in possession of a valid ~~concealed~~ handgun
6 license issued pursuant to the provisions of the Oklahoma Self-
7 Defense Act and whose name appears on a list maintained by the
8 Administrative Director of the Courts; ~~or~~

9 5. The carrying or use of weapons in any state courthouse
10 within this state, to include the State Capitol Building and other
11 structures in the Oklahoma State Capitol Complex in which courtrooms
12 or judicial offices are maintained and any state, county or
13 municipal courthouse or other structure in which courtrooms or
14 judicial offices are maintained by a justice of the Oklahoma Supreme
15 Court, judge of the Court of Civil Appeals, judge of the Court of
16 Criminal Appeals, or judge of the Workers' Compensation Court, who
17 is in possession of a valid handgun license issued pursuant to the
18 provisions of the Oklahoma Self-Defense Act and whose name appears
19 on a list maintained by the Administrative Director of the Courts;
20 or

21 6. The carrying and use of firearms and other weapons provided
22 in this subsection when used for the purpose of living history
23 reenactment. For purposes of this paragraph, "living history
24 reenactment" means depiction of historical characters, scenes,

1 historical life or events for entertainment, education, or
2 historical documentation through the wearing or use of period,
3 historical, antique or vintage clothing, accessories, firearms,
4 weapons, and other implements of the historical period.

5 B. Any person convicted of violating the foregoing provision
6 shall be guilty of a misdemeanor punishable as provided in Section
7 1276 of this title.

8 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1272.1, is
9 amended to read as follows:

10 Section 1272.1.

11 CARRYING FIREARMS WHERE LIQUOR IS CONSUMED

12 A. It shall be unlawful for any person to carry or possess any
13 weapon designated in Section 1272 of this title in any establishment
14 where low-point beer, as defined by Section 163.2 of Title 37 of the
15 Oklahoma Statutes, or alcoholic beverages, as defined by Section 506
16 of Title 37 of the Oklahoma Statutes, are consumed. This provision
17 shall not apply to a peace officer, as defined in Section 99 of this
18 title, or to private investigators with a firearms authorization
19 when acting in the scope and course of employment, and shall not
20 apply to an owner or proprietor of the establishment having a
21 pistol, rifle, or shotgun on the premises. Provided however, a
22 person possessing a valid ~~concealed~~ handgun license pursuant to the
23 provisions of the Oklahoma Self-Defense Act, ~~Section 1290.1 et seq.~~
24 ~~of this title~~ may carry the concealed or unconcealed handgun into

1 any restaurant or other establishment licensed to dispense low-point
2 beer or alcoholic beverages where the sale of low-point beer or
3 alcoholic beverages does not constitute the primary purpose of the
4 business.

5 Provided further, nothing in this section shall be interpreted
6 to authorize any peace officer in actual physical possession of a
7 weapon to consume low-point beer or alcoholic beverages, except in
8 the authorized line of duty as an undercover officer.

9 Nothing in this section shall be interpreted to authorize any
10 private investigator with a firearms authorization in actual
11 physical possession of a weapon to consume low-point beer or
12 alcoholic beverages in any establishment where low-point beer or
13 alcoholic beverages are consumed.

14 B. Any person violating the provisions of this section shall be
15 punished as provided in Section 1272.2 of this title.

16 SECTION 3. AMENDATORY 21 O.S. 2011, Section 1272.2, is
17 amended to read as follows:

18 Section 1272.2.

19 PENALTY FOR FIREARM IN LIQUOR ESTABLISHMENT

20 Any person who intentionally or knowingly carries on his or her
21 person any weapon in violation of Section 1272.1 of this title,
22 shall, upon conviction, be guilty of a felony punishable by a fine
23 not to exceed One Thousand Dollars (\$1,000.00), or imprisonment in
24 the ~~State Penitentiary~~ custody of the Department of Corrections for

1 a period not to exceed two (2) years, or by both such fine and
2 imprisonment.

3 Any person convicted of violating the provisions of this section
4 after having been issued a ~~concealed~~ handgun license pursuant to the
5 provisions of the Oklahoma Self-Defense Act, ~~Sections 1290.1 through~~
6 ~~1290.26 of this title~~, shall have the license revoked by the
7 Oklahoma State Bureau of Investigation after a hearing and
8 determination that the person is in violation of Section 1272.1 of
9 this title.

10 SECTION 4. AMENDATORY 21 O.S. 2011, Section 1273, is
11 amended to read as follows:

12 Section 1273.

13 ALLOWING MINORS TO POSSESS FIREARMS

14 A. It shall be unlawful for any person within this state to
15 sell or give to any child any of the arms or weapons designated in
16 Section 1272 of this title; provided, the provisions of this section
17 shall not prohibit a parent from giving his or her child a rifle or
18 shotgun for participation in hunting animals or fowl, hunter safety
19 classes, target shooting, skeet, trap or other recognized sporting
20 events, except as provided in subsection B of this section.

21 B. It shall be unlawful for any parent or guardian to
22 intentionally, knowingly, or recklessly permit his or her child to
23 possess any of the arms or weapons designated in Section 1272 of
24 this title, including any rifle or shotgun, if such parent is aware

1 of a substantial risk that the child will use the weapon to commit a
2 criminal offense or if the child has either been adjudicated a
3 delinquent or has been convicted as an adult for any criminal
4 offense.

5 C. It shall be unlawful for any child to possess any of the
6 arms or weapons designated in Section 1272 of this title, except
7 rifles or shotguns used for participation in hunting animals or
8 fowl, hunter safety classes, target shooting, skeet, trap or other
9 recognized sporting event. Provided, the possession of rifles or
10 shotguns authorized by this section shall not authorize the
11 possession of such weapons by any person who is subject to the
12 provisions of Section 1283 of this title.

13 D. Any person violating the provisions of this section shall,
14 upon conviction, be punished as provided in Section 1276 of this
15 title, and, any child violating the provisions of this section shall
16 be subject to adjudication as a delinquent. In addition, any person
17 violating the provisions of this section shall be liable for civil
18 damages for any injury or death to any person and for any damage to
19 property resulting from any discharge of a firearm or use of any
20 other weapon as provided in Section 10 of Title 23 of the Oklahoma
21 Statutes. Any person convicted of violating the provisions of this
22 section after having been issued a ~~concealed~~ handgun license
23 pursuant to the provisions of the Oklahoma Self-Defense Act, may be
24

1 liable for an administrative violation as provided in Section 1276
2 of this title.

3 E. As used in this section, "child" means a person under
4 eighteen (18) years of age.

5 SECTION 5. AMENDATORY 21 O.S. 2011, Section 1276, is
6 amended to read as follows:

7 Section 1276.

8 PENALTY FOR 1272 AND 1273

9 Any person violating the provisions of Section 1272 or 1273
10 shall, upon a first conviction, be adjudged guilty of a misdemeanor
11 and the party offending shall be punished by a fine of not less than
12 One Hundred Dollars (\$100.00) nor more than Two Hundred Fifty
13 Dollars (\$250.00), or by imprisonment in the county jail for a
14 period not to exceed thirty (30) days or by both such fine and
15 imprisonment. On the second and every subsequent violation, the
16 party offending shall, upon conviction, be punished by a fine of not
17 less than Two Hundred Fifty Dollars (\$250.00) nor more than Five
18 Hundred Dollars (\$500.00), or by imprisonment in the county jail for
19 a period not less than thirty (30) days nor more than three (3)
20 months, or by both such fine and imprisonment.

21 Any person convicted of violating the provisions of Section 1272
22 or 1273 after having been issued a ~~concealed~~ handgun license
23 pursuant to the provisions of the Oklahoma Self-Defense Act,
24 ~~Sections 1 through 25 of this act,~~ shall have the license suspended

1 for a period of six (6) months and shall be liable for an
2 administrative fine of Fifty Dollars (\$50.00) upon a hearing and
3 determination by the Oklahoma State Bureau of Investigation that the
4 person is in violation of the provisions of this section.

5 SECTION 6. AMENDATORY 21 O.S. 2011, Section 1277, is
6 amended to read as follows:

7 Section 1277.

8 UNLAWFUL CARRY IN CERTAIN PLACES

9 A. It shall be unlawful for any person in possession of a valid
10 ~~concealed~~ handgun license issued pursuant to the provisions of the
11 Oklahoma Self-Defense Act to carry any concealed or unconcealed
12 handgun into any of the following places:

13 1. Any structure, building, or office space which is owned or
14 leased by a city, town, county, state, or federal governmental
15 authority for the purpose of conducting business with the public;

16 2. Any meeting of any city, town, county, state or federal
17 officials, school board members, legislative members, or any other
18 elected or appointed officials;

19 3. Any prison, jail, detention facility or any facility used to
20 process, hold, or house arrested persons, prisoners or persons
21 alleged delinquent or adjudicated delinquent;

22 4. Any elementary or secondary school;

23 5. Any sports arena during a professional sporting event;
24

1 6. Any place where pari-mutuel wagering is authorized by law;

2 and

3 7. Any other place specifically prohibited by law.

4 B. For purposes of paragraphs 1, 2, 3, 5 and 6 of subsection A
5 of this section, the prohibited place does not include and
6 specifically excludes the following property:

7 1. Any property set aside for the use or parking of any
8 vehicle, whether attended or unattended, by a city, town, county,
9 state, or federal governmental authority;

10 2. Any property set aside for the use or parking of any
11 vehicle, whether attended or unattended, by any entity offering any
12 professional sporting event which is open to the public for
13 admission, or by any entity engaged in pari-mutuel wagering
14 authorized by law;

15 3. Any property adjacent to a structure, building, or office
16 space in which concealed or unconcealed weapons are prohibited by
17 the provisions of this section; and

18 4. Any property designated by a city, town, county, or state,
19 governmental authority as a park, recreational area, or fairgrounds;
20 provided, nothing in this paragraph shall be construed to authorize
21 any entry by a person in possession of a concealed or unconcealed
22 handgun into any structure, building, or office space which is
23 specifically prohibited by the provisions of subsection A of this
24 section.

1 Nothing contained in any provision of this subsection shall be
2 construed to authorize or allow any person in control of any place
3 described in paragraph 1, 2, 3, 5 or 6 of subsection A of this
4 section to establish any policy or rule that has the effect of
5 prohibiting any person in lawful possession of a ~~concealed~~ handgun
6 license from possession of a handgun allowable under such license in
7 places described in paragraph 1, 2, 3 or 4 of this subsection.

8 C. Any person violating the provisions of subsection A of this
9 section shall, upon conviction, be guilty of a misdemeanor
10 punishable by a fine not to exceed Two Hundred Fifty Dollars
11 (\$250.00). Any person convicted of violating the provisions of
12 subsection A of this section may be liable for an administrative
13 fine of Two Hundred Fifty Dollars (\$250.00) upon a hearing and
14 determination by the Oklahoma State Bureau of Investigation that the
15 person is in violation of the provisions of subsection A of this
16 section.

17 D. No person in possession of a valid concealed or unconcealed
18 handgun license issued pursuant to the provisions of the Oklahoma
19 Self-Defense Act shall be authorized to carry the handgun into or
20 upon any college, university, or technology center school property,
21 except as provided in this subsection. For purposes of this
22 subsection, the following property shall not be construed as
23 prohibited for persons having a valid ~~concealed~~ handgun license:
24

1 1. Any property set aside for the use or parking of any
2 vehicle, whether attended or unattended, provided the handgun is
3 carried or stored as required by law and the handgun is not removed
4 from the vehicle without the prior consent of the college or
5 university president or technology center school administrator while
6 the vehicle is on any college, university, or technology center
7 school property;

8 2. Any property authorized for possession or use of handguns by
9 college, university, or technology center school policy; and

10 3. Any property authorized by the written consent of the
11 college or university president or technology center school
12 administrator, provided the written consent is carried with the
13 handgun and the valid ~~concealed~~ handgun license while on college,
14 university, or technology center school property.

15 The college, university, or technology center school may notify
16 the Oklahoma State Bureau of Investigation within ten (10) days of a
17 violation of any provision of this subsection by a licensee. Upon
18 receipt of a written notification of violation, the Bureau shall
19 give a reasonable notice to the licensee and hold a hearing. At the
20 hearing upon a determination that the licensee has violated any
21 provision of this subsection, the licensee may be subject to an
22 administrative fine of Two Hundred Fifty Dollars (\$250.00) and may
23 have the ~~concealed~~ handgun license suspended for three (3) months.

1 Nothing contained in any provision of this subsection shall be
2 construed to authorize or allow any college, university, or
3 technology center school to establish any policy or rule that has
4 the effect of prohibiting any person in lawful possession of a
5 ~~concealed~~ handgun license from possession of a handgun allowable
6 under such license in places described in paragraphs 1, 2 and 3 of
7 this subsection. Nothing contained in any provision of this
8 subsection shall be construed to limit the authority of any college
9 or university in this state from taking administrative action
10 against any student for any violation of any provision of this
11 subsection.

12 E. The provisions of this section shall not apply to any peace
13 officer or to any person authorized by law to carry a pistol in the
14 course of employment. ~~District~~ Justices and judges of the Oklahoma
15 Supreme Court, Court of Civil Appeals, Court of Criminal Appeals or
16 Workers' Compensation Court and district judges, associate district
17 judges and special district judges, who are in possession of a valid
18 ~~concealed~~ handgun license issued pursuant to the provisions of the
19 Oklahoma Self-Defense Act and whose names appear on a list
20 maintained by the Administrative Director of the Courts, shall be
21 exempt from this section when acting in the course and scope of
22 employment within the courthouses of this state. Private
23 investigators with a firearms authorization shall be exempt from
24 this section when acting in the course and scope of employment.

SECTION 7. AMENDATORY 21 O.S. 2011, Section 1278, is amended to read as follows:

Section 1278.

UNLAWFUL INTENT TO CARRY

Any person in this state who carries or wears any deadly weapons or dangerous instrument whatsoever with the intent or for the avowed purpose of unlawfully injuring another person, upon conviction, shall be guilty of a felony punishable by a fine not exceeding Five Thousand Dollars (\$5,000.00), by imprisonment in the custody of the Department of Corrections for a period not exceeding two (2) years, or by both such fine and imprisonment. The mere possession of such a weapon or dangerous instrument, without more, however, shall not be sufficient to establish intent as required by this section.

Any person convicted of violating the provisions of this section after having been issued a ~~concealed~~ handgun license pursuant to the provisions of the Oklahoma Self-Defense Act, ~~Section 1290.1 et seq. of this title,~~ shall have the license permanently revoked and shall be liable for an administrative fine of One Thousand Dollars (\$1,000.00) upon a hearing and determination by the Oklahoma State Bureau of Investigation that the person is in violation of the provisions of this section.

SECTION 8. AMENDATORY 21 O.S. 2011, Section 1280.1, is amended to read as follows:

Section 1280.1.

1 POSSESSION OF FIREARM ON SCHOOL PROPERTY

2 A. It shall be unlawful for any person to have in his or her
3 possession on any public or private school property or while in any
4 school bus or vehicle used by any school for transportation of
5 students or teachers any firearm or weapon designated in Section
6 1272 of this title, except as provided in subsection C of this
7 section or as otherwise authorized by law.

8 B. "School property" means any publicly or privately owned
9 property held for purposes of elementary, secondary or vocational-
10 technical education, and shall not include property owned by public
11 school districts or private educational entities where such property
12 is leased or rented to an individual or corporation and used for
13 purposes other than educational.

14 C. Firearms and weapons are allowed on school property and
15 deemed not in violation of subsection A of this section as follows:

16 1. A gun or knife designed for hunting or fishing purposes kept
17 in a privately owned vehicle and properly displayed or stored as
18 required by law, or a handgun carried in a vehicle pursuant to a
19 valid handgun license authorized by the Oklahoma Self-Defense Act,
20 provided such vehicle containing ~~said~~ the gun or knife is driven
21 onto school property only to transport a student to and from school
22 and such vehicle does not remain unattended on school property;

23 2. A gun or knife used for the purposes of participating in the
24 Oklahoma Department of Wildlife Conservation certified hunter

1 training education course or any other hunting, fishing, safety or
2 firearms training courses, or a recognized firearms sports event,
3 team shooting program or competition, or living history reenactment,
4 provided the course or event is approved by the principal or chief
5 administrator of the school where the course or event is offered,
6 and provided the weapon is properly displayed or stored as required
7 by law pending participation in the course, event, program or
8 competition; and

9 3. Weapons in the possession of any peace officer or other
10 person authorized by law to possess a weapon in the performance of
11 their duties and responsibilities.

12 D. Any person violating the provisions of this section shall,
13 upon conviction, be guilty of a felony punishable by a fine not to
14 exceed Five Thousand Dollars (\$5,000.00), and imprisonment in the
15 custody of the Department of Corrections for not more than two (2)
16 years. Any person convicted of violating the provisions of this
17 section after having been issued a ~~concealed~~ handgun license
18 pursuant to the provisions of the Oklahoma Self-Defense Act shall
19 have the license permanently revoked and shall be liable for an
20 administrative fine of One Hundred Dollars (\$100.00) upon a hearing
21 and determination by the Oklahoma State Bureau of Investigation that
22 the person is in violation of the provisions of this section.

23 SECTION 9. AMENDATORY 21 O.S. 2011, Section 1283, is
24 amended to read as follows:

1 Section 1283.

2 CONVICTED FELONS AND DELINQUENTS

3 A. Except as provided in subsection B of this section, it shall
4 be unlawful for any person convicted of any felony in any court of
5 this state or of another state or of the United States to have in
6 his or her possession or under his or her immediate control, or in
7 any vehicle which the person is operating, or in which the person is
8 riding as a passenger, or at the residence where the convicted
9 person resides, any pistol, imitation or homemade pistol, altered
10 air or toy pistol, machine gun, sawed-off shotgun or rifle, or any
11 other dangerous or deadly firearm.

12 B. Any person who has previously been convicted of a nonviolent
13 felony in any court of this state or of another state or of the
14 United States, and who has received a full and complete pardon from
15 the proper authority and has not been convicted of any other felony
16 offense which has not been pardoned, shall have restored the right
17 to possess any firearm or other weapon prohibited by subsection A of
18 this section, the right to apply for and carry a ~~concealed~~ handgun,
19 concealed or unconcealed, pursuant to the Oklahoma Self-Defense Act
20 and the right to perform the duties of a peace officer, gunsmith, or
21 for firearms repair.

22 C. It shall be unlawful for any person supervised by the
23 Department of Corrections or any division thereof to have in his or
24 her possession or under his or her immediate control, or at his or

1 her residence, or in any passenger vehicle which the supervised
2 person is operating or is riding as a passenger, any pistol, shotgun
3 or rifle, including any imitation or homemade pistol, altered air or
4 toy pistol, shotgun or rifle, while such person is subject to
5 supervision, probation, parole or inmate status.

6 D. It shall be unlawful for any person previously adjudicated
7 as a delinquent child or a youthful offender for the commission of
8 an offense, which would have constituted a felony offense if
9 committed by an adult, to have in the ~~person's~~ possession of the
10 person or under the ~~person's~~ immediate control of the person, or
11 have in any vehicle which he or she is driving or in which the
12 person is riding as a passenger, or at the ~~person's~~ residence of the
13 person, any pistol, imitation or homemade pistol, altered air or toy
14 pistol, machine gun, sawed-off shotgun or rifle, or any other
15 dangerous or deadly firearm within ten (10) years after such
16 adjudication; provided, that nothing in this subsection shall be
17 construed to prohibit the placement of the person in a home with a
18 full-time duly appointed peace officer who is certified by the
19 Council on Law Enforcement Education and Training (CLEET) pursuant
20 to the provisions of Section 3311 of Title 70 of the Oklahoma
21 Statutes.

22 E. Any person having been issued a ~~concealed~~ handgun license
23 pursuant to the provisions of the Oklahoma Self-Defense Act and who
24 thereafter knowingly or intentionally allows a convicted felon or

1 adjudicated delinquent or a youthful offender as prohibited by the
2 provisions of subsection A, C, or D of this section to possess or
3 have control of any pistol authorized by the Oklahoma Self-Defense
4 Act shall, upon conviction, be guilty of a felony punishable by a
5 fine not to exceed Five Thousand Dollars (\$5,000.00). In addition,
6 the person shall have the handgun license revoked by the Oklahoma
7 State Bureau of Investigation after a hearing and determination that
8 the person has violated the provisions of this section.

9 F. Any convicted or adjudicated person violating the provisions
10 of this section shall, upon conviction, be guilty of a felony
11 punishable as provided in Section 1284 of this title.

12 G. For purposes of this section, "sawed-off shotgun or rifle"
13 shall mean any shotgun or rifle which has been shortened to any
14 length.

15 H. For purposes of this section, "altered toy pistol" shall
16 mean any toy weapon which has been altered from its original
17 manufactured state to resemble a real weapon.

18 I. For purposes of this section, "altered air pistol" shall
19 mean any air pistol manufactured to propel projectiles by air
20 pressure which has been altered from its original manufactured
21 state.

22 SECTION 10. AMENDATORY 21 O.S. 2011, Section 1287, is
23 amended to read as follows:

24 Section 1287.

1 USE OF FIREARM WHILE COMMITTING A FELONY

2 A. Any person who, while committing or attempting to commit a
3 felony, possesses a pistol, shotgun or rifle or any other offensive
4 weapon in such commission or attempt, whether the pistol, shotgun or
5 rifle is loaded or not, or who possesses a blank or imitation
6 pistol, altered air or toy pistol, shotgun or rifle capable of
7 raising in the mind of one threatened with such device a fear that
8 it is a real pistol, shotgun or rifle, or who possesses an air gun
9 or carbon dioxide or other gas-filled weapon, electronic dart gun,
10 conductive energy weapon, knife, dagger, dirk, switchblade knife,
11 blackjack, ax, loaded cane, billy, hand chain or metal knuckles, in
12 addition to the penalty provided by statute for the felony committed
13 or attempted, upon conviction shall be guilty of a felony for
14 possessing such weapon or device, which shall be a separate offense
15 from the felony committed or attempted and shall be punishable by
16 imprisonment in the custody of the Department of Corrections for a
17 period of not less than two (2) years nor for more than ten (10)
18 years for the first offense, and for a period of not less than ten
19 (10) years nor more than thirty (30) years for any second or
20 subsequent offense.

21 B. Any person convicted of violating the provisions of this
22 section after having been issued a ~~concealed~~ handgun license
23 pursuant to the provisions of the Oklahoma Self-Defense Act shall
24 have the license permanently revoked and shall be liable for an

1 administrative fine of One Thousand Dollars (\$1,000.00) upon a
2 hearing and determination by the Oklahoma State Bureau of
3 Investigation that the person is in violation of the provisions of
4 this section.

5 C. As used in this section, "altered toy pistol" shall mean any
6 toy weapon which has been altered from its original manufactured
7 state to resemble a real weapon.

8 D. As used in this section, "altered air pistol" shall mean any
9 air pistol manufactured to propel projectiles by air pressure which
10 has been altered from its original manufactured state.

11 SECTION 11. AMENDATORY 21 O.S. 2011, Section 1289.7, is
12 amended to read as follows:

13 Section 1289.7.

14 FIREARMS IN VEHICLES

15 Any person, except a convicted felon, may transport in a motor
16 vehicle a rifle, shotgun or pistol, open and unloaded, at any time.
17 For purposes of this section "open" means the firearm is transported
18 in plain view, in a case designed for carrying firearms, which case
19 is wholly or partially visible, in a gun rack mounted in the
20 vehicle, in an exterior locked compartment or a trunk of a vehicle.

21 Any person, except a convicted felon, may transport in a motor
22 vehicle a rifle or shotgun concealed behind a seat of the vehicle or
23 within the interior of the vehicle provided the rifle or shotgun is
24 not clip, magazine or chamber loaded. The authority to transport a

1 clip or magazine loaded rifle or shotgun shall be pursuant to
2 Section 1289.13 of this title.

3 Any person who is the operator of a vehicle or is a passenger in
4 any vehicle wherein another person who is licensed pursuant to the
5 Oklahoma Self-Defense Act, ~~Sections 1290.1 through 1290.25 of Title~~
6 ~~21 of the Oklahoma Statutes,~~ to carry a ~~concealed~~ handgun, concealed
7 or unconcealed, and is carrying a ~~concealed~~ handgun or has ~~concealed~~
8 the handgun in such vehicle, shall not be deemed in violation of the
9 provisions of this section provided the licensee is in or near the
10 vehicle.

11 SECTION 12. AMENDATORY 21 O.S. 2011, Section 1289.9, is
12 amended to read as follows:

13 Section 1289.9.

14 CARRYING WEAPONS UNDER INFLUENCE OF ALCOHOL

15 It shall be unlawful for any person to carry or use shotguns,
16 rifles or pistols in any circumstances while under the influence of
17 beer, intoxicating liquors or any hallucinogenic, or any unlawful or
18 unprescribed drug, and it shall be unlawful for any person to carry
19 or use shotguns, rifles or pistols when under the influence of any
20 drug prescribed by a licensed physician if the aftereffects of such
21 consumption affect mental, emotional or physical processes to a
22 degree that would result in abnormal behavior. Any person convicted
23 of a violation of the provisions of this section shall be punished
24 as provided in Section 1289.15 of this title.

1 Any person convicted of a violation of the provisions of this
2 section after having been issued a ~~concealed~~ handgun license
3 pursuant to the provisions of the Oklahoma Self-Defense Act shall
4 have the license suspended for a term of six (6) months and shall be
5 subject to an administrative fine of Fifty Dollars (\$50.00), upon a
6 hearing and determination by the Oklahoma State Bureau of
7 Investigation that the person is in violation of the provisions of
8 this section.

9 SECTION 13. AMENDATORY 21 O.S. 2011, Section 1289.10, is
10 amended to read as follows:

11 Section 1289.10.

12 FURNISHING FIREARMS TO INCOMPETENT PERSONS

13 It shall be unlawful for any person to knowingly transmit,
14 transfer, sell, lend or furnish any shotgun, rifle or pistol to any
15 person who is under an adjudication of mental incompetency, or to
16 any person who is mentally deficient or of unsound mind. Any person
17 convicted of a violation of the provisions of this section shall be
18 punished as provided in Section 1289.15 of this title.

19 Any person convicted of a violation of the provisions of this
20 section after having been issued a ~~concealed~~ handgun license
21 pursuant to the provisions of the Oklahoma Self-Defense Act, ~~Section~~
22 ~~1290.1 et seq. of this title,~~ shall have the license suspended for a
23 term of six (6) months and shall be subject to an administrative
24 fine of Fifty Dollars (\$50.00), upon a hearing and determination by

1 the Oklahoma State Bureau of Investigation that the person is in
2 violation of the provisions of this section.

3 SECTION 14. AMENDATORY 21 O.S. 2011, Section 1289.11, is
4 amended to read as follows:

5 Section 1289.11.

6 RECKLESS CONDUCT

7 It shall be unlawful for any person to engage in reckless
8 conduct while having in his or her possession any shotgun, rifle or
9 pistol, such actions consisting of creating a situation of
10 unreasonable risk and probability of death or great bodily harm to
11 another, and demonstrating a conscious disregard for the safety of
12 another person. Any person convicted of violating the provisions of
13 this section shall be punished as provided in Section 1289.15 of
14 this title.

15 Any person convicted of a violation of the provisions of this
16 section after having been issued a ~~concealed~~ handgun license
17 pursuant to the Oklahoma Self-Defense Act, ~~Sections 1 through 25 of~~
18 ~~this act~~, shall have the license revoked and shall be subject to an
19 administrative fine of One Thousand Dollars (\$1,000.00), upon a
20 hearing and determination by the Oklahoma State Bureau of
21 Investigation that the person is in violation of the provisions of
22 this section.

23 SECTION 15. AMENDATORY 21 O.S. 2011, Section 1289.12, is
24 amended to read as follows:

1 Section 1289.12.

2 GIVING FIREARMS TO CONVICTED PERSONS

3 It shall be unlawful for any person within this state to
4 knowingly sell, trade, give, transmit or otherwise cause the
5 transfer of rifles, shotguns or pistols to any convicted felon or an
6 adjudicated delinquent, and it shall be unlawful for any person
7 within this state to knowingly sell, trade, give, transmit or
8 otherwise cause the transfer of any shotgun, rifle or pistol to any
9 individual who is under the influence of alcohol or drugs or is
10 mentally or emotionally unbalanced or disturbed. All persons who
11 engage in selling, trading or otherwise transferring firearms will
12 display this section prominently in full view at or near the point
13 of normal firearms sale, trade or transfer. Any person convicted of
14 violating the provisions of this section shall be punished as
15 provided in Section 1289.15 of this title.

16 Any person convicted of a violation of this section after having
17 been issued a ~~concealed~~ handgun license pursuant to the Oklahoma
18 Self-Defense Act, ~~Sections 1 through 25 of this act,~~ shall have the
19 license suspended for six (6) months and shall be liable for an
20 administrative fine of Fifty Dollars (\$50.00), upon a hearing and
21 determination by the Oklahoma State Bureau of Investigation that the
22 person is in violation of the provisions of this section.

23 SECTION 16. AMENDATORY 21 O.S. 2011, Section 1289.13, is
24 amended to read as follows:

Section 1289.13.

TRANSPORTING A LOADED FIREARM

Except as otherwise provided by the provisions of the Oklahoma Self-Defense Act or another provision of law, it shall be unlawful to transport a loaded pistol, rifle or shotgun in a landborne motor vehicle over a public highway or roadway. However, a rifle or shotgun may be transported clip or magazine loaded and not chamber loaded when transported in an exterior locked compartment of the vehicle or trunk of the vehicle or in the interior compartment of the vehicle notwithstanding the provisions of Section 1289.7 of this title when the person is in possession of a valid handgun license pursuant to the Oklahoma Self-Defense Act.

Any person convicted of a violation of this section shall be punished as provided in Section 1289.15 of this title.

Any person who is the operator of a vehicle or is a passenger in any vehicle wherein another person who is licensed pursuant to the Oklahoma Self-Defense Act to carry a ~~concealed~~ handgun, concealed or unconcealed, and is carrying a ~~concealed~~ handgun or has ~~concealed~~ a handgun or rifle or shotgun in such vehicle shall not be deemed in violation of the provisions of this section provided the licensee is in or near the vehicle.

SECTION 17. AMENDATORY 21 O.S. 2011, Section 1289.13A, is amended to read as follows:

Section 1289.13A.

1 IMPROPER TRANSPORTATION OF FIREARMS

2 A. Notwithstanding the provisions of Section 1272 or 1289.13 of
3 this title, any person stopped pursuant to a moving traffic
4 violation who is transporting a loaded pistol in the motor vehicle
5 without a valid ~~concealed~~ handgun ~~permit~~ license authorized by the
6 Oklahoma Self-Defense Act or valid license from another state,
7 whether the loaded firearm is concealed or open in the vehicle,
8 shall be issued a traffic citation in the amount of Seventy Dollars
9 (\$70.00), plus court costs for transporting a firearm improperly.
10 In addition to the traffic citation provided in this section, the
11 person may also be arrested for any other violation of law.

12 B. When the arresting officer determines that a valid handgun
13 license exists, pursuant to the Oklahoma Self-Defense Act or any
14 provision of law from another state, for any person in the stopped
15 vehicle, any firearms permitted to be carried pursuant to that
16 license shall not be confiscated, unless:

17 1. The person is arrested for violating another provision of
18 law other than a violation of subsection A of this section;
19 provided, however, if the person is never charged with an offense
20 pursuant to this paragraph or if the charges are dismissed or the
21 person is acquitted, the weapon shall be returned to the person; or

22 2. The officer has probable cause to believe the weapon is:

23 a. contraband, or
24

1 b. a firearm used in the commission of a crime other than
2 a violation of subsection A of this section.

3 C. Nothing in this section shall be construed to require
4 confiscation of any firearm.

5 SECTION 18. AMENDATORY 21 O.S. 2011, Section 1289.16, is
6 amended to read as follows:

7 Section 1289.16

8 FELONY POINTING FIREARMS

9 It shall be unlawful for any person to willfully or without
10 lawful cause point a shotgun, rifle or pistol, or any deadly weapon,
11 whether loaded or not, at any person or persons for the purpose of
12 threatening or with the intention of discharging the firearm or with
13 any malice or for any purpose of injuring, either through physical
14 injury or mental or emotional intimidation or for purposes of
15 whimsy, humor or prank, or in anger or otherwise, but not to include
16 the pointing of shotguns, rifles or pistols by law enforcement
17 authorities in the performance of their duties, members of the state
18 military forces in the performance of their duties, members of the
19 federal military reserve and active military components in the
20 performance of their duties, or any federal government law
21 enforcement officer in the performance of any duty, or in the
22 performance of a play on stage, rodeo, television or on film, or in
23 defense of any person, one's home or property. Any person convicted

1 of a violation of the provisions of this section shall be punished
2 as provided in Section 1289.17 of this title.

3 Any person convicted of a violation of the provisions of this
4 section after having been issued a ~~concealed~~ handgun license
5 pursuant to the Oklahoma Self-Defense Act, ~~Sections 1 through 25 of~~
6 ~~this act~~, shall have the license revoked and shall be subject to an
7 administrative fine of One Thousand Dollars (\$1,000.00), upon a
8 hearing and determination by the Oklahoma State Bureau of
9 Investigation that the person is in violation of the provisions of
10 this section.

11 SECTION 19. AMENDATORY 21 O.S. 2011, Section 1289.23, is
12 amended to read as follows:

13 Section 1289.23.

14 CONCEALED FIREARM FOR OFF-DUTY POLICE OFFICER

15 A. A full-time duly appointed peace officer who is certified by
16 the Council on Law Enforcement Education and Training (CLEET),
17 pursuant to the provisions of Section 3311 of Title 70 of the
18 Oklahoma Statutes, is hereby authorized to carry a weapon certified
19 and approved by the employing agency during periods when the officer
20 is not on active duty as provided by the provisions of subsection B
21 of this section.

22 B. When an off-duty officer carries a certified weapon, the
23 officer shall be wearing the law enforcement uniform prescribed by
24

1 the employing agency or when not wearing the prescribed law
2 enforcement uniform, the officer shall be required:

3 1. To have the official peace officers badge, Commission Card
4 and CLEET Certification Card on his or her person at all times when
5 carrying a weapon certified and approved by the employing agency;
6 and

7 2. To keep the authorized weapon concealed from view at all
8 times, except when the weapon is used within the guidelines
9 established by the employing agency.

10 C. Nothing in this section shall be construed to alter or amend
11 the provisions of Section 1272.1 of this title or expand the duties,
12 authority or jurisdiction of any peace officer.

13 D. A reserve peace officer who has satisfactorily completed a
14 basic police course of not less than one hundred twenty (120) hours
15 of accredited instruction for reserve police officers and reserve
16 deputies from the Council on Law Enforcement Education and Training
17 or a course of study approved by CLEET may carry a certified weapon
18 when such officer is off duty as provided by subsection E of this
19 section, provided:

20 1. The officer has been granted written authorization signed by
21 the director of the employing agency; and

22 2. The employing agency shall maintain a current list of any
23 officers authorized to carry a certified weapon while ~~said~~ the
24 officers are off duty, and shall provide a copy of such list to the

1 Council on Law Enforcement Education and Training. Any change to
2 the list shall be made in writing and mailed to the Council on Law
3 Enforcement Education and Training within five (5) days.

4 E. When an off-duty reserve peace officer carries a certified
5 weapon, the officer shall be wearing the law enforcement uniform
6 prescribed by the employing agency or when not wearing the
7 prescribed law enforcement uniform, the officer shall be required:

8 1. To have his or her official peace officer's badge,
9 Commission Card, CLEET Certification Card and written authorization
10 on his or her person at all times when carrying a weapon certified
11 and approved by the employing agency; and

12 2. To keep the authorized weapon concealed from view at all
13 times, except when the weapon is used within the guidelines
14 established by the employing agency.

15 F. Nothing in subsection D of this section shall be construed
16 to alter or amend the provisions of Section 1750.2 of Title 59 of
17 the Oklahoma Statutes or expand the duties, jurisdiction or
18 authority of any reserve peace officer.

19 G. Nothing in this section shall be construed to limit or
20 restrict any peace officer or reserve peace officer from carrying a
21 ~~concealed~~ handgun, concealed or unconcealed, as allowed by the
22 Oklahoma Self-Defense Act after issuance of a valid license. When
23 an off-duty officer elects to carry a ~~concealed~~ handgun under the
24 authority of the Oklahoma Self-Defense Act, the person shall comply

1 with all provisions of such act and shall not be representing the
2 employing agency.

3 H. Any off-duty peace officer who carries any weapon in
4 violation of the provisions of this section shall be deemed to be in
5 violation of Section 1272 of this title and may be prosecuted as
6 provided by law for a violation of that section.

7 I. On ~~the effective date of this act~~ November 1, 2004, a
8 reserve or full-time commissioned peace officer may apply to carry a
9 weapon pursuant to the Oklahoma Self-Defense Act as follows:

10 1. The officer shall apply in writing to the Council on Law
11 Enforcement Education and Training (CLEET) stating that the officer
12 desires to have a ~~concealed permit~~ handgun license pursuant to the
13 Oklahoma Self-Defense Act and certifying that he or she has no
14 preclusions to having such ~~concealed~~ handgun license. The officer
15 shall submit with the application:

- 16 a. an official letter from his or her employing agency
17 confirming the officer's employment and status as a
18 full-time commissioned peace officer or an active
19 reserve peace officer,
20 b. a fee of Twenty-five Dollars (\$25.00) for the
21 ~~concealed~~ handgun license, and
22 c. two passport-size photographs of the peace officer
23 applicant.
24

1 2. Upon receiving the required information, CLEET shall
2 determine whether the peace officer is in good standing, has CLEET
3 certification and training, and is otherwise eligible for a
4 ~~concealed~~ handgun license. Upon verification of the officer's
5 eligibility, CLEET shall send the information to the Oklahoma State
6 Bureau of Investigation (OSBI) and OSBI shall issue a ~~concealed~~
7 handgun license in the same or similar form as other handgun
8 licenses. All other requirements in Section 1290.12 of this title
9 concerning application for a ~~concealed~~ handgun license shall be
10 waived for active duty peace officers except as provided in this
11 subsection, including but not limited to training, fingerprints and
12 criminal history records checks unless the officer does not have
13 fingerprints on file or a criminal history records background check
14 conducted prior to employment as a peace officer. The OSBI shall
15 not be required to conduct any further investigation into the
16 eligibility of the peace officer applicant and shall not deny a
17 ~~concealed~~ handgun license except when preclusions are found to
18 exist.

19 3. The term of the ~~concealed~~ handgun ~~permit~~ license for an
20 active duty reserve or full-time commissioned peace officer pursuant
21 to this section shall be as provided in Section 1290.5 of this
22 title, renewable in the same manner provided in this subsection for
23 an original application by a peace officer. The ~~concealed~~ handgun
24

1 license shall be valid when the peace officer is in possession of a
2 valid driver license and law enforcement commission card.

3 4. If ~~a~~ the commission card of a law enforcement officer's
4 ~~commission card~~ officer is terminated, revoked or suspended, the
5 ~~concealed~~ handgun license shall be immediately returned to CLEET.
6 When a peace officer in possession of a ~~concealed~~ handgun license
7 pursuant to this subsection changes employment, the person must
8 notify CLEET within ninety (90) days and send a new letter verifying
9 employment and status as a full-time commissioned or reserve peace
10 officer.

11 5. There shall be no refund of any fee for any unexpired term
12 of any ~~concealed~~ handgun license that is suspended, revoked, or
13 voluntarily returned to CLEET, or that is denied, suspended or
14 revoked by the OSBI.

15 6. CLEET may promulgate any rules, forms or procedures
16 necessary to implement the provisions of this section.

17 7. Nothing in this subsection shall be construed to change or
18 amend the application process, eligibility, effective date or fees
19 of any ~~concealed~~ handgun license pending issuance on the effective
20 date of this act or previously issued to any peace officer prior to
21 ~~the effective date of this act~~ November 1, 2004.

22 SECTION 20. AMENDATORY 21 O.S. 2011, Section 1290.2, is
23 amended to read as follows:

24 Section 1290.2

1 DEFINITIONS

2 A. As used in Sections ~~4~~ 1290.1 through ~~25~~ 1290.26 of this ~~act~~
3 title:

4 1. "Concealed handgun" means a loaded or unloaded pistol
5 carried hidden from the detection and view of another person either
6 upon or about the person, in a purse or other container belonging to
7 the person, or in a vehicle which is operated by the person or in
8 which the person is riding as a passenger; ~~and~~

9 2. "Unconcealed handgun" means a loaded or unloaded pistol
10 carried upon the person in a belt holster that is wholly or
11 partially visible, or carried upon the person in a scabbard or case
12 designed for carrying firearms that is wholly or partially visible;
13 and

14 3. "Pistol" means any derringer, revolver or semiautomatic
15 firearm which:

- 16 a. has an overall length of less than sixteen (16) inches
17 ~~and is able to be fully concealed from detection and~~
18 ~~view,~~
- 19 b. is capable of discharging a projectile composed of any
20 material which may reasonably be expected to be able
21 to cause lethal injury,
- 22 c. is designed to be held and fired by the use of a
23 single hand, and
24

d. uses either gunpowder, gas or any means of rocket propulsion to discharge the projectile.

B. The definition of pistol for purposes of the Oklahoma Self-Defense Act shall not apply to homemade or imitation pistols, flare guns, underwater fishing guns or blank pistols.

SECTION 21. AMENDATORY 21 O.S. 2011, Section 1290.3, is amended to read as follows:

Section 1290.3.

AUTHORITY TO ISSUE LICENSE

The Oklahoma State Bureau of Investigation is hereby authorized to license an eligible person to carry a concealed or unconcealed handgun as provided by the provisions of the Oklahoma Self-Defense Act, ~~Sections 1 through 25 of this act.~~ The ~~Bureau's~~ authority of the Bureau shall be limited to the provisions specifically provided in the Oklahoma Self-Defense Act. The Bureau shall promulgate rules, forms and procedures necessary to implement the provisions of the Oklahoma Self-Defense Act.

SECTION 22. AMENDATORY 21 O.S. 2011, Section 1290.4, is amended to read as follows:

Section 1290.4.

UNLAWFUL CARRY

As provided by Section 1272 of ~~Title 21 of the Oklahoma Statutes~~ this title, it is unlawful for any person to carry a concealed or unconcealed handgun in this state, except as hereby authorized by

1 the provisions of the Oklahoma Self-Defense Act, ~~Sections 1 through~~
2 ~~25 of this act~~, or as may otherwise be provided by law.

3 SECTION 23. AMENDATORY 21 O.S. 2011, Section 1290.5, is
4 amended to read as follows:

5 Section 1290.5.

6 TERM OF LICENSE AND RENEWAL

7 A. A ~~concealed~~ handgun license when issued shall authorize the
8 person to whom the license is issued to carry a loaded or unloaded
9 ~~concealed~~ handgun, concealed or unconcealed, as authorized by the
10 provisions of the Oklahoma Self-Defense Act, and any future
11 modifications thereto. The license shall be valid in this state for
12 a period of five (5) or ten (10) years, unless subsequently
13 surrendered, suspended or revoked as provided by law. The person
14 shall have no authority to continue to carry a concealed or
15 unconcealed handgun in this state pursuant to the Oklahoma Self-
16 Defense Act when a license is expired or when a license has been
17 voluntarily surrendered or suspended or revoked for any reason.

18 B. A license may be renewed any time within ninety (90) days
19 prior to the expiration date as provided in this subsection. The
20 Bureau shall send a renewal application to each eligible licensee
21 with a return address requested. There shall be a thirty-day grace
22 period on license renewals beginning on the date of expiration,
23 thereafter the license is considered expired. However, any
24

1 applicant shall have three (3) years from the expiration of the
2 license to comply with the renewal requirements of this section.

3 1. To renew a handgun license, the licensee must first obtain a
4 renewal form from the Oklahoma State Bureau of Investigation.

5 2. The applicant must complete the renewal form, attach two
6 current passport size photographs of the applicant, and submit a
7 renewal fee in the amount of Eighty-five Dollars (\$85.00) to the
8 Bureau. The renewal fee may be paid with a nationally recognized
9 credit card as provided in subparagraph b of paragraph 4 of
10 subsection A of Section 1290.12 of this title, or by a cashier's
11 check or money order made payable to the Oklahoma State Bureau of
12 Investigation.

13 3. Upon receipt of the renewal application, photographs and
14 fee, the Bureau will conduct a criminal history records name search,
15 an investigation of medical records or other records or information
16 deemed by the Bureau to be relevant to the renewal application. If
17 the applicant appears not to have any prohibition to renewing the
18 handgun license, the Bureau shall issue the renewed license for a
19 period of five (5) or ten (10) years.

20 C. Beginning November 1, 2007, any person making application
21 for a ~~concealed~~ handgun license or any licensee seeking to renew a
22 ~~concealed~~ handgun license shall have the option to request that ~~said~~
23 the license be valid for a period of ten (10) years. The fee for
24 any ~~concealed~~ handgun license issued for a period of ten (10) years

1 shall be double the amount of the fee provided for in paragraph 4 of
2 subsection A of Section 1290.12 of this title. The renewal fee for
3 a ~~concealed~~ handgun license issued for a period of ten (10) years
4 shall be double the amount of the fee provided for in paragraph 2 of
5 subsection B of this section.

6 SECTION 24. AMENDATORY 21 O.S. 2011, Section 1290.6, is
7 amended to read as follows:

8 Section 1290.6.

9 PROHIBITED AMMUNITION

10 Any concealed or unconcealed handgun when carried in a manner
11 authorized by the provisions of the Oklahoma Self-Defense Act,
12 ~~Sections 1 through 25 of this act,~~ and when loaded with any
13 ammunition which is either a restricted bullet as defined by Section
14 1289.19 of ~~Title 21 of the Oklahoma Statutes~~ this title or is larger
15 than .45 caliber or is otherwise prohibited by law shall be deemed a
16 prohibited weapon for purposes of the Oklahoma Self-Defense Act.

17 Any person violating the provisions of this section shall be
18 punished for a criminal offense as provided by Section 1272 of ~~Title~~
19 ~~21 of the Oklahoma Statutes~~ this title or any other applicable
20 provision of law. In addition to any criminal prosecution for a
21 violation of the provisions of this section, the licensee shall be
22 subject to an administrative fine of Five Hundred Dollars (\$500.00),
23 upon a hearing and determination by the Oklahoma State Bureau of
24

1 Investigation that the person is in violation of the provisions of
2 this section.

3 SECTION 25. AMENDATORY 21 O.S. 2011, Section 1290.7, is
4 amended to read as follows:

5 Section 1290.7.

6 CONSTRUING AUTHORITY OF LICENSE

7 The authority to carry a concealed or unconcealed handgun
8 pursuant to a valid handgun license as authorized by the provisions
9 of the Oklahoma Self-Defense Act, ~~Sections 1 through 25 of this act,~~
10 shall not be construed to authorize any person to:

11 1. Carry or possess any weapon other than an authorized pistol
12 as defined by the provisions of Section ~~2~~ 1290.2 of this ~~act~~ title;

13 2. Carry or possess any pistol in any manner or in any place
14 otherwise prohibited by law;

15 3. Carry or possess any prohibited ammunition or any illegal,
16 imitation or homemade pistol;

17 4. Carry or possess any pistol when the person is prohibited by
18 state or federal law from carrying or possessing any firearm; or

19 5. Point, discharge, intentionally display the pistol, or use
20 the pistol in any manner not otherwise authorized by law.

21 SECTION 26. AMENDATORY 21 O.S. 2011, Section 1290.8, is
22 amended to read as follows:

23 Section 1290.8.

24 POSSESSION OF LICENSE REQUIRED

1 NOTIFICATION TO POLICE OF GUN

2 A. Except as otherwise prohibited by law, an eligible person
3 shall have authority to carry a concealed or unconcealed handgun in
4 this state when the person has been issued a handgun license from
5 the Oklahoma State Bureau of Investigation pursuant to the
6 provisions of the Oklahoma Self-Defense Act, provided the person is
7 in compliance with the provisions of the Oklahoma Self-Defense Act,
8 and the license has not expired or been subsequently suspended or
9 revoked. A person in possession of a valid handgun license and in
10 compliance with the provisions of the Oklahoma Self-Defense Act
11 shall be authorized to carry such concealed or unconcealed handgun
12 while bow hunting or fishing.

13 B. The person shall be required to have possession of his or
14 her valid handgun license and a valid Oklahoma driver license or an
15 Oklahoma State photo identification at all times when in possession
16 of an authorized pistol. Any violation of the provisions of this
17 subsection may be punishable as a criminal offense as authorized by
18 Section 1272 of this title or pursuant to any other applicable
19 provision of law. In addition to any criminal prosecution which may
20 result from not carrying the handgun license and the required
21 identification with the authorized pistol as required by the
22 provisions of this subsection, the person may be subject to an
23 administrative fine for violation of the provisions of this
24 subsection. The administrative fine shall be Fifty Dollars (\$50.00)

1 and shall be assessed by the Oklahoma State Bureau of Investigation
2 after a hearing and determination that the licensee is in violation
3 of the provisions of this subsection. Any second or subsequent
4 violation of the provisions of this subsection shall be grounds for
5 the Bureau to suspend the handgun license for a period of six (6)
6 months, in addition to any other penalty imposed.

7 Upon the arrest of any person for a violation of the provisions
8 of this subsection, the person may show proof to the court that a
9 valid handgun license and the other required identification has been
10 issued to such person and the person may state any reason why the
11 handgun license or the other required identification was not carried
12 by the person as required by the Oklahoma Self-Defense Act. The
13 court shall dismiss an alleged violation of Section 1272 of this
14 title upon payment of court costs, if proof of a valid handgun
15 license and other required identification is shown to the court
16 within ten (10) days of the arrest of the person. The court shall
17 report a dismissal of a charge to the Bureau for consideration of
18 administrative proceedings against the licensee.

19 C. It shall be unlawful for any person to fail or refuse to
20 identify the fact that the person is in actual possession of a
21 concealed or unconcealed handgun pursuant to the authority of the
22 Oklahoma Self-Defense Act when the person first comes into contact
23 with any law enforcement officer of this state or its political
24 subdivisions or a federal law enforcement officer during the course

1 of any arrest, detainment, or routine traffic stop. No person shall
2 be required to identify himself or herself as a ~~concealed~~ handgun
3 licensee when no handgun is in the ~~person's~~ possession of the person
4 or in any vehicle in which the person is driving or is a passenger.
5 Any violation of the provisions of this subsection shall, upon
6 conviction, be a misdemeanor punishable by a fine not exceeding Five
7 Hundred Dollars (\$500.00), by imprisonment in the county jail for a
8 period not to exceed ninety (90) days, or by both such fine and
9 imprisonment. In addition to any criminal prosecution for a
10 violation of the provisions of this subsection, the licensee shall
11 be subject to a six-month suspension of the license and an
12 administrative fine of Fifty Dollars (\$50.00), upon a hearing and
13 determination by the Bureau that the person is in violation of the
14 provisions of this subsection.

15 D. Any law enforcement officer coming in contact with a person
16 whose handgun license is suspended, revoked, or expired, or who is
17 in possession of a handgun license which has not been lawfully
18 issued to that person, shall confiscate the license and return it to
19 the Oklahoma State Bureau of Investigation for appropriate
20 administrative proceedings against the licensee when the license is
21 no longer needed as evidence in any criminal proceeding.

22 E. Nothing in this section shall be construed to authorize a
23 law enforcement officer to inspect any weapon properly concealed or
24 unconcealed without probable cause that a crime has been committed.

1 SECTION 27. AMENDATORY 21 O.S. 2011, Section 1290.9, is
2 amended to read as follows:

3 Section 1290.9.

4 ELIGIBILITY

5 The following requirements shall apply to any person making
6 application to the Oklahoma State Bureau of Investigation for a
7 ~~concealed~~ handgun license pursuant to the provisions of the Oklahoma
8 Self-Defense Act. The person must:

9 1. Be a citizen of the United States;

10 2. Establish a residency in the State of Oklahoma. For
11 purposes of the Oklahoma Self-Defense Act, the term "residency"
12 shall apply to any person who either possesses a valid Oklahoma
13 driver license or state photo identification card, and physically
14 resides in this state or has permanent military orders within this
15 state and possesses a valid driver license from another state where
16 such person claims residency;

17 3. Be at least twenty-one (21) years of age;

18 4. Complete a firearms safety and training course and
19 demonstrate competence and qualifications with the type of pistol to
20 be carried by the person as provided in Section 1290.14 of this
21 title, and submit proof of training and qualification or an
22 exemption for training and qualification as authorized by Section
23 1290.14 of this title;

24

1 5. Submit the required fee and complete the application process
2 as provided in Section 1290.12 of this title; and

3 6. Comply in good faith with the provisions of the Oklahoma
4 Self-Defense Act.

5 SECTION 28. AMENDATORY 21 O.S. 2011, Section 1290.11, is
6 amended to read as follows:

7 Section 1290.11.

8 OTHER PRECLUSIONS

9 A. The following conditions shall preclude a person from being
10 eligible for a ~~concealed~~ handgun license pursuant to the provisions
11 of the Oklahoma Self-Defense Act for a period of time as prescribed
12 in each of the following paragraphs:

13 1. An arrest for an alleged commission of a felony offense or a
14 felony charge pending in this state, another state or pursuant to
15 the United States Code. The preclusive period shall be until the
16 final determination of the matter;

17 2. The person is subject to the provisions of a deferred
18 sentence or deferred prosecution in this state or another state or
19 pursuant to federal authority for the commission of a felony
20 offense. The preclusive period shall be three (3) years and shall
21 begin upon the final determination of the matter;

22 3. Any involuntary commitment for a mental illness, condition,
23 or disorder pursuant to the provisions of Section 5-410 of Title 43A
24 of the Oklahoma Statutes or any involuntary commitment in another

1 state pursuant to any provisions of law of that state. The
2 preclusive period shall be permanent as provided by Title 18 of the
3 United States Code Section 922(g) (4);

4 4. The person has previously undergone treatment for a mental
5 illness, condition, or disorder which required medication or
6 supervision as defined by paragraph 7 of Section 1290.10 of this
7 title. The preclusive period shall be three (3) years from the last
8 date of treatment or upon presentation of a certified statement from
9 a licensed physician stating that the person is either no longer
10 disabled by any mental or psychiatric illness, condition, or
11 disorder or that the person has been stabilized on medication for
12 ten (10) years or more;

13 5. Inpatient treatment for substance abuse. The preclusive
14 period shall be three (3) years from the last date of treatment or
15 upon presentation of a certified statement from a licensed physician
16 stating that the person has been free from substance use for twelve
17 (12) months or more preceding the filing of an application for a
18 handgun license;

19 6. Two or more convictions of public intoxication pursuant to
20 Section 8 of Title 37 of the Oklahoma Statutes, or a similar law of
21 another state. The preclusive period shall be three (3) years from
22 the date of the completion of the last sentence;

23 7. Two or more misdemeanor convictions relating to intoxication
24 or driving under the influence of an intoxicating substance or

1 alcohol. The preclusive period shall be three (3) years from the
2 date of the completion of the last sentence or shall require a
3 certified statement from a licensed physician stating that the
4 person is not in need of substance abuse treatment;

5 8. A court order for a final Victim Protection Order against
6 the applicant, as authorized by Section 60 et seq. of Title 22 of
7 the Oklahoma Statutes, or any court order granting a final victim
8 protection order against the applicant from another state. The
9 preclusive period shall be three (3) years from the date of the
10 entry of the final court order, or sixty (60) days from the date an
11 order was vacated, cancelled or withdrawn;

12 9. An adjudicated delinquent or convicted felon residing in the
13 residence of the applicant which may be a violation of Section 1283
14 of this title. The preclusive period shall be thirty (30) days from
15 the date the person no longer resides in the same residence as the
16 applicant; or

17 10. An arrest for an alleged commission of, a charge pending
18 for, or the person is subject to the provisions of a deferred
19 sentence or a deferred prosecution for any one or more of the
20 following misdemeanor offenses in this state or another state:

- 21 a. any assault and battery which caused serious physical
22 injury to the victim or any second or subsequent
23 assault and battery,
24 b. any aggravated assault and battery,

1 c. any stalking pursuant to Section 1173 of this title,
2 or a similar law of another state,

3 d. any violation of the Protection from Domestic Abuse
4 Act, Section 60 et seq. of Title 22 of the Oklahoma
5 Statutes, or any violation of a victim protection
6 order of another state,

7 e. any violation relating to illegal drug use or
8 possession, or

9 f. an act of domestic abuse as defined by Section 644 of
10 this title or an act of domestic assault and battery
11 or any comparable acts under the law of another state.

12 The preclusive period for this paragraph shall be three (3) years
13 and shall begin upon the final determination of the matter.

14 B. Nothing in this section shall be construed to require a full
15 investigation of the applicant by the Oklahoma State Bureau of
16 Investigation.

17 SECTION 29. AMENDATORY 21 O.S. 2011, Section 1290.12, is
18 amended to read as follows:

19 Section 1290.12.

20 PROCEDURE FOR APPLICATION

21 A. The procedure for applying for a ~~concealed~~ handgun license
22 and processing the application shall be as follows:

23 1. An eligible person may request an application packet for a
24 ~~concealed~~ handgun license from the Oklahoma State Bureau of

Investigation or the county sheriff's office either in person or by mail. The Bureau may provide application packets to each sheriff not exceeding two hundred packets per request. The Bureau shall provide the following information in the application packet:

- a. an application form,
- b. procedures to follow to process the application form,
- and
- c. a copy of the Oklahoma Self-Defense Act with any modifications thereto;

2. The person shall be required to successfully complete a firearms safety and training course from a firearms instructor who is approved and registered in this state as provided in Section 1290.14 of this title, and the person shall be required to demonstrate competency and qualification with a pistol authorized for concealed or unconcealed carry by the Oklahoma Self-Defense Act. The original certificate of training shall be submitted with the application for a handgun license. No duplicate, copy, facsimile or other reproduction of the certificate of training or exemption from training shall be acceptable as proof of training as required by the provisions of the Oklahoma Self-Defense Act. A person exempt from the training requirements as provided in Section 1290.15 of this title must show the required proof of such exemption to the firearms instructor to receive an exemption certificate. The original exemption certificate must be submitted with the application for a

1 handgun license when the person claims an exemption from training
2 and qualification;

3 3. The application form shall be completed and delivered by the
4 applicant, in person, to the sheriff of the county wherein the
5 applicant resides;

6 4. The person shall deliver to the sheriff at the time of
7 delivery of the completed application form a fee of One Hundred
8 Dollars (\$100.00) for processing the application through the
9 Oklahoma State Bureau of Investigation and processing the required
10 fingerprints through the Federal Bureau of Investigation. The
11 processing fee shall be in the form of:

- 12 a. a money order or a cashier's check made payable to the
13 Oklahoma State Bureau of Investigation, or
14 b. by a nationally recognized credit card issued to the
15 applicant. For purposes of this paragraph,
16 "nationally recognized credit card" means any
17 instrument or device, whether known as a credit card,
18 credit plate, charge plate, or by any other name,
19 issued with or without fee by the issuer for the use
20 of the cardholder in obtaining goods, services, or
21 anything else of value on credit which is accepted by
22 over one thousand merchants in the state. The
23 Oklahoma State Bureau of Investigation shall determine
24

1 which nationally recognized credit cards will be
2 accepted by the Bureau.

3 The processing fee shall not be refundable in the event of a
4 denial of a handgun license or any suspension or revocation
5 subsequent to the issuance of a license. Persons making application
6 for a firearms instructor shall not be required to pay the
7 application fee as provided in this section, but shall be required
8 to pay the costs provided in paragraphs 6 and 8 of this subsection;

9 5. The completed application form shall be signed by the
10 applicant in person before the sheriff. The signature shall be
11 given voluntarily upon a sworn oath that the person knows the
12 contents of the application and that the information contained in
13 the application is true and correct. Any person making any false or
14 misleading statement on an application for a handgun license shall,
15 upon conviction, be guilty of perjury as defined by Section 491 of
16 this title. Any conviction shall be punished as provided in Section
17 500 of this title. In addition to a criminal conviction, the person
18 shall be denied the right to have a ~~concealed~~ handgun license
19 pursuant to the provisions of Section 1290.10 of this title and the
20 Oklahoma State Bureau of Investigation shall revoke the handgun
21 license, if issued;

22 6. Two passport size photographs of the applicant shall be
23 submitted with the completed application. The cost of the
24 photographs shall be the responsibility of the applicant. The

1 sheriff is authorized to take the ~~applicant's~~ photograph of the
2 applicant for purposes of the Oklahoma Self-Defense Act and, if such
3 photographs are taken by the sheriff the cost of the photographs
4 shall not exceed Ten Dollars (\$10.00) for the two photos. All money
5 received by the sheriff from photographing applicants pursuant to
6 the provisions of this paragraph shall be retained by the sheriff
7 and deposited into the Sheriff's Service Fee Account;

8 7. The sheriff shall witness the signature of the applicant and
9 review or take the photographs of the applicant and shall verify
10 that the person making application for a handgun license is the same
11 person in the photographs submitted and the same person who signed
12 the application form. Proof of a valid Oklahoma driver license with
13 a photograph of the applicant or an Oklahoma State photo
14 identification for the applicant shall be required to be presented
15 by the applicant to the sheriff for verification of the person's
16 identity;

17 8. Upon verification of the identity of the applicant, the
18 sheriff shall take two complete sets of fingerprints of the
19 applicant. Both sets of fingerprints shall be submitted by the
20 sheriff with the completed application, certificate of training or
21 an exemption certificate, photographs and processing fee to the
22 Oklahoma State Bureau of Investigation within fourteen (14) days of
23 taking the fingerprints. The cost of the fingerprints shall be paid
24 by the applicant and shall not exceed Twenty-five Dollars (\$25.00)

1 for the two sets. All fees collected by the sheriff from taking
2 fingerprints pursuant to the provisions of this paragraph shall be
3 retained by the sheriff and deposited into the Sheriff's Service Fee
4 Account;

5 9. The sheriff shall submit to the Oklahoma State Bureau of
6 Investigation within the fourteen-day period, together with the
7 completed application, including the certificate of training or
8 exemption certificate, photographs, processing fee and legible
9 fingerprints meeting the Oklahoma State Bureau of Investigation's
10 Automated Fingerprint Identification System (AFIS) submission
11 standards, and a report of information deemed pertinent to an
12 investigation of the applicant for a handgun license. The sheriff
13 shall make a preliminary investigation of pertinent information
14 about the applicant and the court clerk shall assist the sheriff in
15 locating pertinent information in court records for this purpose.
16 If no pertinent information is found to exist either for or against
17 the applicant, the sheriff shall so indicate in the report;

18 10. The Oklahoma State Bureau of Investigation, upon receipt of
19 the application and required information from the sheriff, shall
20 forward one full set of fingerprints of the applicant to the Federal
21 Bureau of Investigation for a national criminal history records
22 search. The cost of processing the fingerprints nationally shall be
23 paid from the processing fee collected by the Oklahoma State Bureau
24 of Investigation;

1 11. The Oklahoma State Bureau of Investigation shall make a
2 reasonable effort to investigate the information submitted by the
3 applicant and the sheriff, to ascertain whether or not the issuance
4 of a handgun license would be in violation of the provisions of the
5 Oklahoma Self-Defense Act. The ~~Bureau's~~ investigation by the Bureau
6 of an applicant shall include, but shall not be limited to: a
7 statewide criminal history records search, a national criminal
8 history records search, a Federal Bureau of Investigation
9 fingerprint search, and if applicable, an investigation of medical
10 records or other records or information deemed by the Bureau to be
11 relevant to the application.

12 a. In the course of the ~~Bureau's~~ investigation by the
13 Bureau, it shall present the name of the applicant
14 along with any known aliases, the address of the
15 applicant and the social security number of the
16 applicant to the Department of Mental Health and
17 Substance Abuse Services. The Department of Mental
18 Health and Substance Abuse Services shall respond
19 within ten (10) days of receiving such information to
20 the Bureau as follows:

21 (1) with a "Yes" answer, if the ~~Department's~~ records
22 of the Department indicate that the person was
23 involuntarily committed to a mental institution
24 in Oklahoma, or

1 (2) with a "No" answer, if there are no records
2 indicating the name of the person as a person
3 involuntarily committed to a mental institution
4 in Oklahoma, or
5 (3) with an "Inconclusive" answer if the ~~Department's~~
6 records of the Department suggest the applicant
7 may be a formerly committed person. In the case
8 of an inconclusive answer, the Bureau shall ask
9 the applicant whether he or she was involuntarily
10 committed. If the applicant states under penalty
11 of perjury that he or she has not been
12 involuntarily committed, the Bureau shall
13 continue processing the application for a
14 license.

15 b. In the course of the ~~Bureau's~~ investigation by the
16 Bureau, it shall check the name of any applicant who
17 is twenty-eight (28) years of age or younger along
18 with any known aliases, the address of the applicant
19 and the social security number of the applicant
20 against the records in the Juvenile Online Tracking
21 System (JOLTS) of the Office of Juvenile Affairs. The
22 Office of Juvenile Affairs shall provide the Bureau
23 direct access to check the applicant against the
24 records available on JOLTS.

- 1 (1) If the Bureau finds a record on the JOLTS that
2 indicates the person was adjudicated a delinquent
3 for an offense that would constitute a felony
4 offense if committed by an adult within the last
5 ten (10) years the Bureau shall deny the license,
- 6 (2) If the Bureau finds no record on the JOLTS
7 indicating the named person was adjudicated
8 delinquent for an offense that would constitute a
9 felony offense if committed by an adult within
10 the last ten (10) years, or
- 11 (3) If the records suggest the applicant may have
12 been adjudicated delinquent for an offense that
13 would constitute a felony offense if committed by
14 an adult but such record is inconclusive, the
15 Bureau shall ask the applicant whether he or she
16 was adjudicated a delinquent for an offense that
17 would constitute a felony offense if committed by
18 an adult within the last ten (10) years. If the
19 applicant states under penalty of perjury that he
20 or she was not adjudicated a delinquent within
21 ten (10) years, the Bureau shall continue
22 processing the application for a license;

23 12. If the background check set forth in ~~subsection~~ paragraph
24 11 of this ~~section~~ subsection reveals no records pertaining to the

1 applicant, the Oklahoma State Bureau of Investigation shall either
2 issue a ~~concealed~~ handgun license or deny the application within
3 sixty (60) days of the date of receipt of the applicant's completed
4 application and the required information from the sheriff. In all
5 other cases, the Oklahoma State Bureau of Investigation shall either
6 issue a ~~concealed~~ handgun license or deny the application within
7 ninety (90) days of the date of the receipt of the applicant's
8 completed application and the required information from the sheriff.
9 The Bureau shall approve an applicant who appears to be in full
10 compliance with the provisions of the Oklahoma Self-Defense Act, if
11 completion of the federal fingerprint search is the only reason for
12 delay of the issuance of the handgun license to that applicant.
13 Upon receipt of the federal fingerprint search information, if the
14 Bureau receives information which precludes the person from having a
15 ~~concealed~~ handgun license, the Bureau shall revoke the ~~concealed~~
16 handgun license previously issued to the applicant. The Bureau
17 shall deny a license when the applicant fails to properly complete
18 the application form or application process or is determined not to
19 be eligible as specified by the provisions of Section 1290.9,
20 1290.10 or 1290.11 of this title. The Bureau shall approve an
21 application in all other cases. If an application is denied, the
22 Bureau shall notify the applicant in writing of its decision. The
23 notification shall state the grounds for the denial and inform the
24 applicant of the right to an appeal as may be provided by the

1 provisions of the Administrative Procedures Act. All notices of
2 denial shall be mailed by first class mail to the ~~applicant's~~
3 address of the applicant listed in the application. Within sixty
4 (60) calendar days from the date of mailing a denial of application
5 to an applicant, the applicant shall notify the Bureau in writing of
6 the intent to appeal the decision of denial or the ~~applicant's~~ right
7 of the applicant to appeal shall be deemed waived. Any
8 administrative hearing on a denial which may be provided shall be
9 conducted by a hearing examiner appointed by the Bureau. The
10 ~~hearing examiner's~~ decision of the hearing examiner shall be a final
11 decision appealable to a district court in accordance with the
12 Administrative Procedures Act. When an application is approved, the
13 Bureau shall issue the license and mail it to the sheriff of the
14 county wherein the applicant resides. The applicant may pick up the
15 concealed handgun license from the sheriff's office.

16 B. Nothing contained in any provision of the Oklahoma Self-
17 Defense Act shall be construed to require or authorize the
18 registration, documentation or providing of serial numbers with
19 regard to any firearm. For purposes of the Oklahoma Self-Defense
20 Act, the sheriff may designate a person to receive, fingerprint,
21 photograph or otherwise process applications for ~~concealed~~ handgun
22 licenses.

23 SECTION 30. AMENDATORY 21 O.S. 2011, Section 1290.13, is
24 amended to read as follows:

1 Section 1290.13.

2 AUTOMATIC LISTING OF LICENSES

3 The Oklahoma State Bureau of Investigation shall maintain an
4 automated listing of all persons issued a ~~concealed~~ handgun license
5 in this state pursuant to the provisions of the Oklahoma Self-
6 Defense Act, ~~Section 1290.1 et seq. of this title,~~ and all
7 subsequent suspended or revoked licenses. Information from the
8 automated listing shall only be available to a law enforcement
9 officer or law enforcement agency upon request for law enforcement
10 purposes. The Bureau shall also maintain for each applicant the
11 original application or a copy of the original application form and
12 any subsequent renewal application forms together with the
13 photographs, fingerprints and other pertinent information on the
14 applicant which shall be confidential, except to law enforcement
15 officers or law enforcement agencies in the performance of their
16 duties. To facilitate the Bureau's administration of the Oklahoma
17 Self-Defense Act, all licensees shall maintain a current mailing
18 address where the licensee may receive certified mail. The licensee
19 shall within thirty (30) days of a change of name or address inform
20 the Bureau of such change.

21 SECTION 31. AMENDATORY 21 O.S. 2011, Section 1290.14, is
22 amended to read as follows:

23 Section 1290.14.

24 SAFETY AND TRAINING COURSE

1 A. Each applicant for a license to carry a concealed or
2 unconcealed handgun pursuant to the Oklahoma Self-Defense Act must
3 successfully complete a firearms safety and training course in this
4 state conducted by a registered and approved firearms instructor as
5 provided by the provisions of this section. The applicant must
6 further demonstrate competence and qualification with an authorized
7 pistol of the type or types that the applicant desires to carry as a
8 concealed or unconcealed handgun pursuant to the provisions of the
9 Oklahoma Self-Defense Act, except certain persons may be exempt from
10 such training requirement as provided by the provisions of Section
11 1290.15 of this title.

12 B. The Council on Law Enforcement Education and Training
13 (CLEET) shall establish criteria for approving firearms instructors
14 for purposes of training and qualifying individuals for a ~~concealed~~
15 handgun license pursuant to the provisions of the Oklahoma Self-
16 Defense Act. Prior to submitting an application for CLEET approval
17 as a firearms instructor, applicants shall attend a firearms
18 instructor school, meeting the following minimum requirements:

19 1. Firearms instructor training conducted by one of the
20 following entities:

- 21 a. Council on Law Enforcement Education and Training,
- 22 b. National Rifle Association,
- 23 c. Oklahoma Rifle Association,
- 24 d. federal law enforcement agencies, or

1 e. other professionally recognized organizations;

2 2. The course shall be at least sixteen (16) hours in length;

3 3. Upon completion of the course, the applicant shall be
4 qualified to provide instruction on revolvers, semiautomatic
5 pistols, or both; and

6 4. Receive a course completion certificate.

7 All firearms instructors shall be required to meet the eligibility
8 requirements for a ~~concealed~~ handgun license as provided in Sections
9 1290.9, 1290.10, and 1290.11 of this title, and the application
10 shall be processed as provided for applicants in Section 1290.12 of
11 this title, including the state and national criminal history
12 records search and fingerprint search. A firearms instructor shall
13 be required to pay a fee of One Hundred Dollars (\$100.00) to the
14 Council on Law Enforcement Education and Training (CLEET) each time
15 the person makes application for CLEET approval as a firearms
16 instructor pursuant to the provisions of the Oklahoma Self-Defense
17 Act. The fee shall be retained by CLEET and shall be deposited into
18 the Firearms Instructors Revolving Fund. CLEET shall promulgate the
19 rules, forms and procedures necessary to implement the approval of
20 firearms instructors as authorized by the provisions of this
21 subsection. CLEET shall periodically review each approved
22 instructor during a training and qualification course to assure
23 compliance with the rules and course contents. Any violation of the
24 rules may result in the revocation or suspension of CLEET and

1 Oklahoma State Bureau of Investigation approval. Unless the
2 approval has been revoked or suspended, a firearms instructor's
3 CLEET approval shall be for a term of five (5) years. Beginning on
4 ~~the effective date of this act~~ July 1, 2003, any firearms instructor
5 who has been issued a four-year CLEET approval shall not be eligible
6 for the five-year approval until the expiration of the approval
7 previously issued. CLEET shall be responsible for notifying all
8 approved firearms instructors of statutory and policy changes
9 related to the Oklahoma Self-Defense Act.

10 C. 1. All firearms instructors approved by CLEET to train and
11 qualify individuals for a ~~concealed~~ handgun license shall be
12 required to apply for registration with the Oklahoma State Bureau of
13 Investigation after receiving CLEET approval. All firearms
14 instructors teaching the approved course for a ~~concealed~~ handgun
15 license must display their registration certificate during each
16 training and qualification course. Each approved firearms
17 instructor shall complete a registration form provided by the Bureau
18 and shall pay a registration fee of One Hundred Dollars (\$100.00) to
19 the Bureau at the time of each application for registration, except
20 as provided in paragraph 2 of this subsection. Registration
21 certificates issued by the Bureau shall be valid for five (5) years
22 from the date of issuance. The Bureau shall issue a five-year
23 handgun license to an approved firearms instructor at the time of
24 issuance of a registration certificate and no additional fee shall

1 be required or charged. The Bureau shall maintain a current listing
2 of all registered firearms instructors in this state. Nothing in
3 this paragraph shall be construed to eliminate the requirement for
4 registration and training with CLEET as provided in subsection B of
5 this section. Failure to register or be trained as required shall
6 result in a revocation or suspension of the instructor certificate
7 by the Bureau.

8 2. On ~~the effective date of this act~~ July 1, 2003, the
9 registered instructors listed in subparagraphs a and b of this
10 paragraph shall not be required to renew the firearms instructor
11 registration certificate with the Oklahoma State Bureau of
12 Investigation at the expiration of the registration term, provided
13 the instructor is not subject to any suspension or revocation of the
14 firearm instructor certificate. The firearms instructor
15 registration with the Oklahoma State Bureau of Investigation shall
16 automatically renew together with the handgun license authorized in
17 paragraph 1 of this subsection for an additional five-year term and
18 no additional cost or fee may be charged for the following
19 individuals:

- 20 a. an active duty law enforcement officer of this state
21 or any of its political subdivisions or of the federal
22 government who has a valid CLEET approval as a
23 firearms instructor pursuant to the Oklahoma Self-
24 Defense Act, and

1 b. a retired law enforcement officer authorized to carry
2 a firearm pursuant to Section 1289.8 of this title who
3 has a valid CLEET approval as a firearms instructor
4 pursuant to the Oklahoma Self-Defense Act.

5 D. The Oklahoma State Bureau of Investigation shall approve
6 registration for a firearms instructor applicant who is in full
7 compliance with CLEET rules regarding firearms instructors and the
8 provisions of subsection B of this section, if completion of the
9 federal fingerprint search is the only reason for delay of
10 registration of that firearms instructor applicant. Upon receipt of
11 the federal fingerprint search information, if the Bureau receives
12 information which precludes the person from having a ~~concealed~~
13 handgun license, the Bureau shall revoke both the registration and
14 the ~~concealed~~ handgun license previously issued to the firearms
15 instructor.

16 E. The required firearms safety and training course and the
17 actual demonstration of competency and qualification required of the
18 applicant shall be designed and conducted in such a manner that the
19 course can be reasonably completed by the applicant within an eight-
20 hour period. CLEET shall establish the course content and
21 promulgate rules, procedures and forms necessary to implement the
22 provisions of this subsection. For the training and qualification
23 course, an applicant may be charged a fee not to exceed Sixty
24 Dollars (\$60.00). The instructor to student ratio shall not exceed

1 ten students to any one instructor. CLEET may establish criteria
2 for assistant instructors, maximum class size and any other
3 requirements deemed necessary to conduct a safe and effective
4 training and qualification course. The course content shall include
5 a safety inspection of the firearm to be used by the applicant in
6 the training course; instruction on pistol handling, safety and
7 storage; dynamics of ammunition and firing; methods or positions for
8 firing a pistol; information about the criminal provisions of the
9 Oklahoma law relating to firearms; the requirements of the Oklahoma
10 Self-Defense Act as it relates to the applicant; self-defense and
11 the use of appropriate force; a practice shooting session; and a
12 familiarization course. The firearms instructor shall refuse to
13 train or qualify any person when the pistol to be used or carried by
14 the person is either deemed unsafe or unfit for firing or is a
15 weapon not authorized by the Oklahoma Self-Defense Act. The course
16 shall provide an opportunity for the applicant to qualify himself or
17 herself on either a derringer, a revolver, a semiautomatic pistol or
18 any combination of a derringer, a revolver and a semiautomatic
19 pistol, provided no pistol shall be capable of firing larger than
20 .45 caliber ammunition. Any applicant who successfully trains and
21 qualifies himself or herself with a semiautomatic pistol may be
22 approved by the firearms instructor on the training certificate for
23 a semiautomatic pistol, a revolver and a derringer upon request of
24 the applicant. Any person who qualifies on a derringer or revolver

1 shall not be eligible for a semiautomatic rating until the person
2 has demonstrated competence and qualifications on a semiautomatic
3 pistol. Upon successful completion of the training and
4 qualification course, a certificate shall be issued to each
5 applicant who successfully completes the course. The certificate of
6 training shall comply with the form established by CLEET and shall
7 be submitted with an application for a ~~concealed~~ handgun license
8 pursuant to the provisions of paragraph 2 of Section 1290.12 of this
9 title.

10 F. There is hereby created a revolving fund for the Council on
11 Law Enforcement Education and Training (CLEET), to be designated the
12 "Firearms Instructors Revolving Fund". The fund shall be a
13 continuing fund, not subject to fiscal year limitations, and shall
14 consist of all funds received for approval of firearms instructors
15 for purposes of the Oklahoma Self-Defense Act. All funds received
16 shall be deposited to the fund. All monies accruing to the credit
17 of ~~said~~ the fund are hereby appropriated and may be budgeted and
18 expended by the Council on Law Enforcement Education and Training,
19 for implementation of the training and qualification course
20 contents, approval of firearms instructors and any other CLEET
21 requirement pursuant to the provisions of the Oklahoma Self-Defense
22 Act or as may otherwise be deemed appropriate by CLEET.
23 Expenditures from said fund shall be made upon warrants issued by
24

1 the State Treasurer against claims filed as prescribed by law with
2 the Director of State Finance for approval and payment.

3 SECTION 32. AMENDATORY 21 O.S. 2011, Section 1290.15, is
4 amended to read as follows:

5 Section 1290.15.

6 PERSONS EXEMPT FROM TRAINING COURSE

7 A. The following individuals may be exempt from all or part of
8 the required training and qualification course established pursuant
9 to the provisions of Section 1290.14 of this title:

10 1. A firearms instructor registered with the Oklahoma State
11 Bureau of Investigation for purposes of the Oklahoma Self-Defense
12 Act;

13 2. An active duty law enforcement officer of this state or any
14 of its political subdivisions or of the federal government;

15 3. A retired law enforcement officer authorized by this state
16 pursuant to Section 1289.8 of this title to carry a firearm;

17 4. A CLEET-certified armed security officer, armed guard,
18 correctional officer, or any other person having a CLEET
19 certification to carry a firearm in the course of their employment;

20 5. A person on active military duty, National Guard duty or
21 regular military reserve duty who is a legal resident of this state
22 and who is trained and qualified in the use of handguns;

23 6. A person honorably discharged from active military duty,
24 National Guard duty or military reserves within twenty (20) years

1 preceding the date of the application for a ~~concealed~~ handgun
2 license pursuant to the provisions of the Oklahoma Self-Defense Act,
3 who is a legal resident of this state, and who has been trained and
4 qualified in the use of handguns;

5 7. A person retired as a peace officer in good standing from a
6 law enforcement agency located in another state, who is a legal
7 resident of this state, and who has received training equivalent to
8 the training required for CLEET certification in this state; and

9 8. Any person who is otherwise deemed qualified for a training
10 exemption by CLEET.

11 Provided, however, persons applying for an exemption pursuant to
12 paragraph 3, 4, 5, 6 or 7 of this subsection may be required to
13 successfully complete the classroom portion of the training course.
14 The classroom portion of the training course shall not exceed a fee
15 of Thirty Dollars (\$30.00).

16 B. The Council on Law Enforcement Education and Training
17 (CLEET) shall establish criteria for providing proof of an
18 exemption. Before any person shall be considered exempt from all or
19 part of the required training and qualification pursuant to the
20 provisions of the Oklahoma Self-Defense Act, Section 1290.1 et seq.
21 of this title, the person shall present the required proof of
22 exemption to a registered firearms instructor. Each person
23 determined to be exempt from training or qualification as provided
24 in this subsection shall receive an exemption certificate from the

1 registered firearms instructor. The rules promulgated by CLEET to
2 implement the provisions of this section and Section 1290.14 of this
3 title may require that a fee not to exceed Five Dollars (\$5.00) be
4 charged for processing an exemption certificate. The original
5 exemption certificate must be submitted with an application for a
6 handgun license as provided in paragraph 2 of Section 1290.12 of
7 this title. No person who is determined to be exempt from training
8 or qualification may carry a concealed or unconcealed firearm
9 pursuant to the authority of the Oklahoma Self-Defense Act until
10 issued a valid handgun license.

11 C. Nothing contained in any provision of the Oklahoma Self-
12 Defense Act shall be construed to alter, amend, or modify the
13 authority of any active duty law enforcement officer, or any person
14 certified by the Council on Law Enforcement Education and Training
15 to carry a pistol during the course of their employment, from
16 carrying any pistol in any manner authorized by law or authorized by
17 the employing agency.

18 SECTION 33. AMENDATORY 21 O.S. 2011, Section 1290.17, is
19 amended to read as follows:

20 Section 1290.17.

21 SUSPENSION AND REVOCATION OF LICENSE

22 A. The Oklahoma State Bureau of Investigation shall have
23 authority pursuant to the provisions of the Oklahoma Self-Defense
24 Act and any other provision of law to suspend or revoke any

1 ~~concealed~~ handgun license issued pursuant to the provisions of the
2 Oklahoma Self-Defense Act. A person whose license has been
3 suspended or revoked or against whom a fine has been assessed shall
4 be entitled to an appeal through a hearing in accordance with the
5 Administrative Procedures Act. Any administrative hearing on
6 suspensions, revocations or fines shall be conducted by a hearing
7 examiner appointed by the Bureau. The hearing examiner's decision
8 shall be a final decision appealable to a district court in
9 accordance with the Administrative Procedures Act. After a
10 ~~concealed~~ handgun license has been issued, the discovery of or the
11 occurrence of any condition which directly affects a person's
12 eligibility for a handgun license as provided by the provisions of
13 Section 1290.9 or 1290.10 of this title shall require a revocation
14 of the license by the Bureau. The discovery of or the occurrence of
15 any condition pursuant to Section 1290.11 of this title, after a
16 license has been issued, shall cause a suspension of the handgun
17 license for a period of time as prescribed for the condition. Any
18 provision of law that requires a revocation of a ~~concealed~~ handgun
19 license upon a conviction shall cause the Bureau to suspend the
20 ~~concealed~~ handgun license upon the discovery of the arrest of the
21 person for such offense until a determination of the criminal case
22 at which time the Bureau shall proceed with the appropriate
23 administrative action. A licensee may voluntarily surrender a
24 license to the Oklahoma State Bureau of Investigation at any time.

1 Such surrender of a handgun license will render the license invalid.
2 Nothing in this section may be interpreted to prevent a subsequent
3 new application for a license. The licensee shall be informed and
4 acknowledge in writing as follows:

5 1. The licensee understands that the voluntary surrender of the
6 license will not be deemed a suspension or revocation by the Bureau;

7 2. A voluntary surrender of a license will not be reviewable by
8 a hearing examiner or subject to judicial review under the
9 Administrative Procedures Act; and

10 3. By surrendering the license, the licensee shall forfeit all
11 fees paid to date.

12 B. Any ~~concealed~~ handgun license which is subsequently
13 suspended or revoked shall be immediately returned to the Oklahoma
14 State Bureau of Investigation upon notification. Any person
15 refusing or failing to return a license after notification of its
16 suspension or revocation shall, upon conviction, be guilty of a
17 misdemeanor punishable by a fine of not exceeding Five Hundred
18 Dollars (\$500.00), by imprisonment in the county jail for not
19 exceeding six (6) months, or by both such fine and imprisonment. In
20 addition, the person shall be subject to an administrative fine of
21 Five Hundred Dollars (\$500.00), upon a hearing and determination by
22 the Bureau that the person is in violation of the provisions of this
23 subsection.

24

1 C. Any law enforcement officer of this state shall confiscate a
2 ~~concealed~~ handgun license in the possession of any person and return
3 it to the Oklahoma State Bureau of Investigation for appropriate
4 administrative proceedings against the licensee when the license is
5 no longer needed as evidence in any criminal proceeding, as follows:

6 1. Upon the arrest of the person for any felony offense;

7 2. Upon the arrest of the person for any misdemeanor offense
8 enumerated as a preclusion to a handgun license;

9 3. For any violation of the provisions of the Oklahoma Self-
10 Defense Act;

11 4. When the officer has been called to assist or is
12 investigating any situation which would be a preclusion to having a
13 handgun license; or

14 5. As provided in subsection D of Section 1290.8 of this title.

15 D. Any administrative fine assessed in accordance with the
16 provisions of the Oklahoma Self-Defense Act shall be paid in full
17 within thirty (30) days of assessment. The Oklahoma State Bureau of
18 Investigation shall, without a hearing, suspend the ~~concealed-carry~~
19 handgun license of any person who fails to pay in full any
20 administrative fine assessed against the person in accordance with
21 the provisions of this subsection. The suspension of any ~~concealed~~
22 ~~carry~~ handgun license shall be automatic and shall begin thirty (30)
23 days from the date of the assessment of the administrative fine.
24 The suspension shall be removed and the ~~concealed-carry~~ handgun

1 license returned to its prior standing upon payment of the
2 administrative fine being paid in full to the Bureau.

3 E. Whenever a ~~concealed-carry~~ handgun license has been
4 suspended in accordance with the provisions of this act or the
5 administrative rules of the Bureau promulgated for purposes of this
6 act, the license shall remain under suspension and shall not be
7 reinstated until:

8 1. The person whose license has been suspended applies for
9 reinstatement in accordance with the administrative rules of the
10 Bureau. The Bureau shall not charge any fee in conjunction with an
11 application for a license reinstatement. The person whose license
12 has been suspended must demonstrate that the condition or preclusion
13 which was the basis for the suspension has lapsed and is no longer
14 in effect; and

15 2. Any and all administrative fines assessed against the person
16 have been paid in full.

17 In the event a ~~concealed-carry~~ handgun license expires during
18 the term of the suspension, the person shall be required to apply
19 for renewal of the license in accordance with Section 1290.5 of this
20 title.

21 SECTION 34. AMENDATORY 21 O.S. 2011, Section 1290.18, is
22 amended to read as follows:

23 Section 1290.18.

24 APPLICATION FORM CONTENTS

1 The application shall be completed upon the sworn oath of the
2 applicant as provided in paragraph 5 of Section ~~42~~ 1290.12 of this
3 ~~act~~ title. The application form shall be provided by the Oklahoma
4 State Bureau of Investigation and shall contain the following
5 information in addition to any other information deemed relevant by
6 the Bureau:

- 7 1. Applicant's full legal name;
- 8 2. Applicant's birth name, alias names or nicknames;
- 9 3. Maiden name, if applicable;
- 10 4. County of residence;
- 11 5. Length of residency at the current address;
- 12 6. Previous addresses for the preceding three (3) years;
- 13 7. Place of birth;
- 14 8. Date of birth;
- 15 9. Declaration of citizenship and date United States
16 citizenship was acquired, if applicable;
- 17 10. Race;
- 18 11. Weight;
- 19 12. Height;
- 20 13. Sex;
- 21 14. Color of eyes;
- 22 15. Social Security number;
- 23 16. Current driver license number;
- 24 17. Military service number, if applicable;

1 18. Law enforcement identification numbers, if applicable;

2 19. Current occupation;

3 20. Authorized type or types of pistol for which the applicant
4 qualified as stated on the certificate of training or exemption of
5 training which shall be stated as either derringer, revolver,
6 semiautomatic pistol, or some combination of derringer, revolver and
7 semiautomatic pistol and the maximum ammunition capacity of the
8 firearm shall be .45 caliber;

9 21. An acknowledgment that the applicant desires a ~~concealed~~
10 handgun license as a means of lawful self-defense and self-
11 protection and for no other intent or purpose;

12 22. A statement that the applicant has never been convicted of
13 any felony offense in this state, another state or pursuant to any
14 federal offense;

15 23. A statement that the applicant has none of the conditions
16 which would preclude the issuing of a ~~concealed~~ handgun license
17 pursuant to any of the provisions of Sections ~~10~~ 1290.10 and ~~11~~
18 1290.11 of this ~~act~~ title and that the applicant further meets all
19 of the eligibility criteria required by Section ~~9~~ 1290.9 of this ~~act~~
20 title;

21 24. An authorization for the Oklahoma State Bureau of
22 Investigation to investigate the applicant and any or all records
23 relating to the applicant for purposes of approving or denying a
24

1 ~~concealed~~ handgun license pursuant to the provisions of the Oklahoma
2 Self-Defense Act;

3 25. An acknowledgment that the applicant has been furnished a
4 copy of the Oklahoma Self-Defense Act and is knowledgeable about its
5 provisions;

6 26. A statement that the applicant is the identical person who
7 completed the firearms training course for which the original
8 training certificate is submitted as part of the application or a
9 statement that the applicant is the identical person who is exempt
10 from firearms training for which the original exemption certificate
11 is submitted as part of the application, whichever is applicable to
12 the applicant;

13 27. A conspicuous warning that the application is executed upon
14 the sworn oath of the applicant and that any false or misleading
15 answer to any question or the submission of any false information or
16 documentation by the applicant is punishable by criminal penalty as
17 provided in paragraph 5 of Section ~~12~~ 1290.12 of this ~~act~~ title;

18 28. A signed verification that the contents of the application
19 are known to the applicant and are true and correct;

20 29. Two separate places for the original signature of the
21 applicant;

22 30. A place for attachment of a passport size photograph of the
23 applicant; and
24

31. A place for the signature and verification of the identity of the applicant by the sheriff or the sheriff's designee.

Information provided by the person on an application for a ~~concealed~~ handgun license shall be confidential except to law enforcement officers or law enforcement agencies.

SECTION 35. AMENDATORY 21 O.S. 2011, Section 1290.19, is amended to read as follows:

Section 1290.19.

LICENSE FORM

The ~~concealed~~ handgun license shall be on a form prescribed by the Oklahoma State Bureau of Investigation and shall contain the following information in addition to any other information deemed relevant by the Bureau:

1. The ~~person's~~ full name of the person;
2. Current address;
3. County of residence;
4. Date of birth;
5. Weight;
6. Height;
7. Sex;
8. Race;
9. Color of eyes;
10. Handgun license identification number;
11. Expiration date of the handgun license; and

1 12. Authorized pistol to be either: (D) derringer, (R)
2 revolver, (S) semiautomatic pistol, or some combination of
3 derringer, revolver and semiautomatic pistol as may be authorized by
4 the Oklahoma Self-Defense Act for which the person demonstrated
5 qualification pursuant to the certificate of training or an
6 exemption certificate.

7 SECTION 36. AMENDATORY 21 O.S. 2011, Section 1290.20, is
8 amended to read as follows:

9 Section 1290.20.

10 PENALTY FOR REFUSAL TO SUBMIT OR FALSIFICATION

11 It shall be unlawful for any sheriff or designee to fail or
12 refuse to accept an application for a ~~concealed~~ handgun license as
13 authorized by the provisions of the Oklahoma Self-Defense Act,
14 ~~Sections 1 through 25 of this act,~~ or to fail or refuse to process
15 or submit the completed application to the Oklahoma State Bureau of
16 Investigation within the time prescribed by paragraph 8 of Section
17 ~~12~~ 1290.12 of this ~~act~~ title, or to falsify or knowingly allow any
18 person to falsify any information, documentation, fingerprint or
19 photograph submitted with a ~~concealed~~ handgun application. Any
20 violation shall, upon conviction, be a misdemeanor. There is a
21 presumption that the sheriff has acted in good faith to comply with
22 the provisions of the Oklahoma Self-Defense Act and any alleged
23 violation of the provisions of this section shall require proof
24 beyond a reasonable doubt.

1 SECTION 37. AMENDATORY 21 O.S. 2011, Section 1290.21, is
2 amended to read as follows:

3 Section 1290.21.

4 REPLACEMENT LICENSE

5 A. In the event a ~~concealed~~ handgun license becomes missing,
6 lost, stolen or destroyed, the license shall be invalid, and the
7 person to whom the license was issued shall notify the Oklahoma
8 State Bureau of Investigation within thirty (30) days of the
9 discovery of the fact that the license is not in the possession of
10 the licensee. The person may obtain a substitute license upon
11 furnishing a notarized statement to the Bureau that the license is
12 missing, lost, stolen or destroyed and paying a fifteen-dollar
13 replacement fee. During any period when a license is missing, lost,
14 stolen or destroyed, the person shall have no authority to carry a
15 ~~concealed~~ or unconcealed handgun pursuant to the provisions of the
16 Oklahoma Self-Defense Act. The Bureau shall, upon receipt of the
17 notarized statement and fee from the licensee, issue a substitute
18 license with the same expiration date within ten (10) days of the
19 receipt of the notarized statement and fee.

20 B. Any person who knowingly or intentionally carries a
21 ~~concealed~~ or unconcealed handgun pursuant to a ~~concealed~~ handgun
22 license authorized and issued pursuant to the provisions of the
23 Oklahoma Self-Defense Act which is either stolen or belongs to
24

1 another person shall, upon conviction, be guilty of a felony
2 punishable by a fine of Five Thousand Dollars (\$5,000.00).

3 C. Any person having a valid ~~concealed~~ handgun license pursuant
4 to the Oklahoma Self-Defense Act may carry any make or model of an
5 authorized pistol listed on the license, provided the type of pistol
6 shall not be other than the type or types listed on the license. A
7 person may complete additional firearms training for an additional
8 type of pistol during any license period and upon successful
9 completion of the training may request the additional type of pistol
10 be included on the license. The person shall submit to the Bureau a
11 fifteen-dollar replacement fee, the original certificate of training
12 and qualification for the additional type of firearm, and a
13 statement requesting the license be updated to include the
14 additional type of pistol. The Bureau shall issue an updated
15 license with the same expiration date within ten (10) days of the
16 receipt of the request. The person shall have no authority to carry
17 any additional type of pistol pursuant to the provisions of the
18 Oklahoma Self-Defense Act until the updated license has been
19 received by the licensee. The original license shall be destroyed
20 upon receipt of an updated handgun license.

21 D. A person may request during any license period an update for
22 a change of address or change of name by submitting to the Bureau a
23 fifteen-dollar replacement fee, and a notarized statement that the
24 address or name of the licensee has changed. The Bureau shall issue

1 an updated license with the same expiration date within ten (10)
2 days of receipt of the request. The original license shall be
3 destroyed upon the receipt of the updated handgun license.

4 SECTION 38. AMENDATORY 21 O.S. 2011, Section 1290.23, is
5 amended to read as follows:

6 Section 1290.23.

7 DEPOSIT OF FEES BY OSBI

8 All money submitted by the sheriffs to the Oklahoma State Bureau
9 of Investigation as processing fees for applications submitted for
10 ~~concealed~~ handgun licenses shall be deposited in the Oklahoma State
11 Bureau of Investigation Revolving Fund and shall be expended for
12 purposes of implementing the provisions of the Oklahoma Self-Defense
13 act or as otherwise provided by law.

14 SECTION 39. AMENDATORY 21 O.S. 2011, Section 1290.24, is
15 amended to read as follows:

16 Section 1290.24.

17 IMMUNITY

18 A. The state, its officers, agents and employees shall be
19 immune from liability resulting or arising from:

20 1. Failure to prevent the licensing of an individual for whom
21 the receipt of the license is unlawful pursuant to the provisions of
22 the Oklahoma Self-Defense Act or any other provision of law of this
23 state;

1 2. Any action or misconduct with a pistol committed by a person
2 to whom a license to carry a concealed or unconcealed handgun has
3 been issued or by any person who obtains a pistol from a licensee;

4 3. Any injury to any person during a handgun training course
5 conducted by a firearms instructor certified by the Council on Law
6 Enforcement Education and Training to conduct training under the
7 Oklahoma Self-Defense Act, or injury from any misfire or malfunction
8 of any handgun on a training course firing range supervised by a
9 certified firearms instructor under the provisions of the Oklahoma
10 Self-Defense Act, or any injury resulting from carrying a concealed
11 or unconcealed handgun pursuant to a ~~concealed~~ handgun license; and

12 4. Any action or finding pursuant to a hearing conducted in
13 accordance with the Administrative Procedures Act as required in the
14 Oklahoma Self-Defense Act.

15 B. Firearms instructors certified by the Council on Law
16 Enforcement Education and Training to conduct training for the
17 Oklahoma Self-Defense Act shall be immune from liability to third
18 persons resulting or arising from any claim based on an act or
19 omission of a trainee.

20 SECTION 40. AMENDATORY 21 O.S. 2011, Section 1290.25, is
21 amended to read as follows:

22 Section 1290.25.

23 LEGISLATIVE INTENT
24

1 The Legislature finds as a matter of public policy and fact that
2 it is necessary to provide statewide uniform standards for issuing
3 licenses to carry concealed or unconcealed handguns for lawful self-
4 defense and self-protection, and further finds it necessary to
5 occupy the field of regulation of the bearing of concealed or
6 unconcealed handguns to ensure that no honest, law-abiding citizen
7 who qualifies pursuant to the provisions of the Oklahoma Self-
8 Defense Act, ~~Section 1290.1 et seq. of this title,~~ is subjectively
9 or arbitrarily denied his or her rights. The Legislature does not
10 delegate to the Oklahoma State Bureau of Investigation any authority
11 to regulate or restrict the issuing of handgun licenses except as
12 provided by the provisions of ~~this act~~ the Oklahoma Self-Defense
13 Act. Subjective or arbitrary actions or rules which encumber the
14 issuing process by placing burdens on the applicant beyond those
15 requirements detailed in the provisions of the Oklahoma Self-Defense
16 Act or which create restrictions beyond those specified in this act
17 are deemed to be in conflict with the intent of this act and are
18 hereby prohibited. The Oklahoma Self-Defense Act shall be liberally
19 construed to carry out the constitutional right to bear arms for
20 self-defense and self-protection. The provisions of the Oklahoma
21 Self-Defense Act are cumulative to existing rights to bear arms and
22 nothing in Section 1290.1 et seq. of this title shall impair or
23 diminish those rights.

1 However, the conditions that mandate the administrative actions
2 of license denial, suspension, revocation or an administrative fine
3 are intended to protect the health, safety and public welfare of the
4 citizens of this state. The restricting conditions specified in the
5 Oklahoma Self-Defense Act generally involve the criminal history,
6 mental state, alcohol or substance abuse of the applicant or
7 licensee, a hazard of domestic violence, a danger to police
8 officers, or the ability of the Oklahoma State Bureau of
9 Investigation to properly administer the Oklahoma Self-Defense Act.
10 The restricting conditions that establish a risk of injury or harm
11 to the public are tailored to reduce the risks to the benefit of the
12 citizens of this state.

13 SECTION 41. AMENDATORY 21 O.S. 2011, Section 1290.26, is
14 amended to read as follows:

15 Section 1290.26.

16 RECIPROCAL AGREEMENT AUTHORITY

17 The State of Oklahoma hereby recognizes any valid concealed or
18 unconcealed carry weapons permit or license issued by another state.
19 Any person entering this state in possession of a firearm authorized
20 for concealed or unconcealed carry upon the authority and license of
21 another state is authorized to continue to carry a concealed or
22 unconcealed firearm and license in this state; provided the license
23 from the other state remains valid. The firearm must either be
24 carried unconcealed and in plain view or fully concealed from

1 detection and view, and upon coming in contact with any peace
2 officer of this state, the person must disclose the fact that he or
3 she is in possession of a concealed or unconcealed firearm pursuant
4 to a valid concealed or unconcealed carry weapons permit or license
5 issued in another state. Any person who is twenty-one (21) years of
6 age or older having a valid firearm license from another state may
7 apply for a ~~concealed~~ handgun license in this state immediately upon
8 establishing a residence in this state.

9 SECTION 42. AMENDATORY 21 O.S. 2011, Section 1364, is
10 amended to read as follows:

11 Section 1364.

12 DISCHARGING FIREARM

13 Every person who willfully discharges any pistol, rifle,
14 shotgun, airgun or other weapon, or throws any other missile in any
15 public place, or in any place where there is any person to be
16 endangered thereby, although no injury to any person shall ensue, is
17 guilty of a misdemeanor. Any person convicted of a violation of the
18 provisions of this section after having been issued a ~~concealed~~
19 handgun license pursuant to the provisions of the Oklahoma Self-
20 Defense Act, ~~Sections 1 through 25 of this act,~~ shall have the
21 license suspended for a period of six (6) months and shall be
22 subject to an administrative fine of Fifty Dollars (\$50.00), upon a
23 hearing and determination by the Oklahoma State Bureau of
24

1 Investigation that the person is in violation of the provisions of
2 this section.

3 SECTION 43. AMENDATORY 63 O.S. 2011, Section 2-110, is
4 amended to read as follows:

5 Section 2-110. The Director of the Oklahoma State Bureau of
6 Narcotics and Dangerous Drugs Control may employ attorneys, who
7 shall be unclassified employees of the state, or contract with
8 attorneys, as needed. These attorneys may advise the Director, the
9 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control
10 Commission and Bureau personnel on all legal matters and shall
11 appear for and represent the Director, the Commission and Bureau
12 personnel in all administrative hearings and all litigation or other
13 proceedings which may arise in the discharge of their duties. At
14 the request of the Oklahoma State Bureau of Narcotics and Dangerous
15 Drugs Control Commission, such attorney shall assist the district
16 attorney in prosecuting charges of violators of the Uniform
17 Controlled Dangerous Substances Act or any felony relating to or
18 arising from a violation of the Uniform Controlled Dangerous
19 Substances Act. Attorneys for the Bureau who have been certified by
20 the Council on Law Enforcement Education and Training to carry a
21 ~~concealed~~ weapon or have been issued a ~~concealed~~ handgun license
22 pursuant to the provisions of the Oklahoma Self-Defense Act shall be
23 allowed to carry weapons pursuant to paragraph 3 of subsection A of
24 Section 1272 of Title 21 of the Oklahoma Statutes. These attorneys,

1 pursuant to this provision, shall not be considered eligible to
2 participate in the Oklahoma Law Enforcement Retirement System. If a
3 conflict of interest would be created by such attorney representing
4 the Director, the Commission or Bureau personnel, additional counsel
5 may be hired upon approval of the Oklahoma State Bureau of Narcotics
6 and Dangerous Drugs Control Commission.

7 SECTION 44. AMENDATORY 63 O.S. 2011, Section 4210.3, is
8 amended to read as follows:

9 Section 4210.3 It shall be unlawful to transport a shotgun,
10 rifle or pistol in or to discharge such weapons from a vessel,
11 except for the purposes of hunting animals or fowl, and in
12 compliance with existing state and federal laws. Anyone violating
13 the provisions of this section, upon conviction, shall be guilty of
14 a misdemeanor and shall be punished by a fine of not less than Fifty
15 Dollars (\$50.00) and not more than One Hundred Dollars (\$100.00), or
16 by imprisonment in the county jail for not less than ten (10) days
17 and not more than six (6) months, or by both such fine and
18 imprisonment. Any person in possession of a valid ~~concealed~~ handgun
19 license from this state or a reciprocal state authorized by the
20 Oklahoma Self-Defense Act shall not be deemed guilty of transporting
21 a pistol in violation of this section when a handgun is carried
22 concealed or unconcealed upon or about their person in compliance
23 with the provisions of the Oklahoma Self-Defense Act.

24 SECTION 45. This act shall become effective November 1, 2012.

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